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The American
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TOWARDS A DEMOCRATIC THEORY

HERMAN FINER
Harvard University

I

The principal, indeed the desperate, task of democracy is to maintain itself; its second, to improve and refine itself. It is well to conceive our problem in practical terms, as it tends to sharpen and limit the inquiry; and, in a sense, part of the answer, at least, lies in the terms in which the question is posed. The problem is not an exercise in theory, but is urgently practical. So is the answer. But as all political science teaches, though it may come in institutional and psychological devices, in the background, promising and perhaps mocking, there is also the metaphysical element. And the last is inescapable. For this question needs solution: What Marxism is to Soviet Communism, and what Racialism is to the Nazi State, is *X* to Democracy. What is *X?*

For we cannot assume that uncultivated men and women, unshaped by their institutions that already exist, or without a doctrine, can operate the democratic form of government. If that were so, nobody would have thought of education. If the instinctive response of mankind to its social problems were democracy, or ineluctably something else, the political scientist could happily surrender his Ph.D. and close his college doors. Nor can we assume that man is unteachable. Men are different from what they would be if they had not been subject to many years of persuasion, much of it *not* coercive, and most of it the product of their own experience and discussion of domestic and public events among themselves, as well as of the corpus of social teaching that has been handed down to form an accompaniment of admonition in their everyday lives. Reason is not only brilliantine. To leave the operation of

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democracy to chance is either to believe that there is an original biological harmony among men (and there is only some) or to be a cynic in the sense that it is not believed that men are not open to persuasion, that is, to reason, which is an untenable position; or not to care, which still leaves the problem unsettled. The problem is to confront the unbridled self-assertions of men with thought, a compelling invitation to reflection, to look before they leap, especially at other people. It is the equivalent almost of that introduced factor in Hobbes' *Leviathan* where he suddenly turns from human beings who were excessively nasty to human beings who had inexplicably become reasonable.

Can this reflective factor be found for democracy? How does anybody recommend a system of government to those who are perplexed? Usually, I think, by a threefold process. The benefits of the method of government are recounted; the lesser benefits or the evils of alternative methods are demonstrated; and, then, going further back, along paths and vistas thus incidentally opened out, but still in theoretical twilight, by the pressing of the question, "What good and what ill is involved in this aspect of democratic government?" there would be a suggestion that the spiritual nature of man requires it. Some may not like the benefits which are recommended to them, material and spiritual; but they may be induced to obey and even suffer when it is demonstrated that in an alternative form of government one's lot cannot be better, but might even be worse, given the costs the alternative form involves. Many will be, and in the world as it is are, content with such a process of argument, or they take the world as it is without argument. But it is the theory of this discussion that democracy is in the gravest danger unless all citizens in a democratic polity are made conscious of its spiritual foundations. This involves the means by which they may be made conscious. But, of sovereign importance, it implies that there is a cogent doctrine which both actuates and moderates impulses and proclivities. And finally this again demands a medium, history above all, but other social studies also, through which the doctrine can be made manifest.

II

Two developments in democratic government make anxious the concern of our own time for its effective continuance: the conversion of the citizen's participation in government to an active rôle

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as distinct from his mere consent, and the expansion in the numbers conscious of the political process. Democratic theory in the eighteenth and early nineteenth centuries tended to dwell chiefly on the right of the citizen body to select, invigilate, and if necessary, reject the government of the day. This was in the first stages of the transition from autocracies or aristocracy. But it is practically impossible to keep democratic government at this thin end of the wedge alone, that is, at the point of vigilance and external consent. The evolution of political parties and other forms of civic representation and pressure is at once a sign of this impossibility and a device to transcend the early limit. In other words, although there is a wide variation among men and women in democracies regarding the activity they put into the working of their institutions, a vast number do act very vigorously and continuously; and, what is of supreme importance, it is generally argued that they should do so. Democratic government is government *by* the people, as it has been perceived that this is the guarantee of government *for* the people. (The *of* I take to be rather a tribute to rhythm.) The sovereignty of the people is an active, not an invigilating, sovereignty. They are active, or can be, at their own discretion, active sovereigns. The twin problems posed by many—by Montesquieu, by Bodin earlier, and more specifically by almost all Natural Rights theorists—in their search for (a) an animating principle proper to each form of government and (b) a principle of self-limitation or self-control on the part of sovereigns (whether kings or other institutions), erupt again today with ferocious vigor. What are the duties of his royal highness the Sovereign Public? If we set aside the task of making a list, because in several other works that task has been attempted, at least the essential inward controlling and informing spirit of such duties must be recommended to the millions whose poor yet mighty particle of sovereignty, when thrown into the common stock, may make our lives simmer easily or scald them to death.

Secondly, it is necessary to face the extension of political consciousness among the people. Democracy is from one angle a flattering doctrine—intentionally so. It encourages the governed to ask questions. Edmund Burke was afraid of the consequences: his *Reflexions on the French Revolution* are a kind of exercise on this very theme. He was afraid of "sophisters, economists, and calculators." He so begged attention to "the wisdom of our ancestors,"

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so venerated and bade other men venerate "the grand Instructor, Time," so insisted that "Politics ought to be adjusted, not to human reasonings, but to human nature; of which the reason is but a part, and by no means the greatest part," that it was said of him by the Christian Socialist Frederick Dennison Maurice that he dared not look for the root of institutions for fear he might find they had no root at all.

Our own age has much to learn from Burke's nobility, but everything to lose from his doctrine of political unknowability. For we are conscious, and the fact cannot be banished, or it may overthrow the very method of government which, on informed and reflective consciousness, is the best. The theme requires further development.

Never were so many people conscious of their political power as today. This result was the aspiration of the democratic pioneers; many predicted it as the result of trusting to democracy, and in this respect they have indeed triumphed. And ever more millions are becoming aware of social processes and the cares of government. Two world wars and the panic-stricken interval awoke them. With many troubles, there were many questions; and with many questions, more reasoning; with more reasoning, less authority; and so more questions. Yet there was insufficient political cultivation on which, confidently because wisely (as courage to Plato was courage based upon knowledge of what was to be feared), that rationality could be grounded. The new citizens were not equipped to survey the whole process of society and history, and, within this, the place and conditions of their self-government. Millions upon millions of ordinary men and women have eaten of the tree of political knowledge, and they can no longer be the same innocents, nor can their governments be the same guilty. But the many conscious, and therefore restive, millions are becoming harder to manage, and, what is far more important, and indeed decisive, they find it harder to manage themselves. For democracy was intended not to destroy but to distribute leadership. While they sense the importance and opportunities of power and the right of political self-determination, they are still deficient in an informed and cultivated consciousness of the fullness of their rights, and most certainly of the obligations of a political sovereign. They are far from fully understanding the processes of government. More importantly, they are unconscious of the interconnections, invisible, complex yet inexorably potent, between governments and all the social and economic processes

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and themselves. Most importantly, they are innocent of its inward spirit and a feeling for its regulating temper. Large numbers do not regard themselves as the government, with all the active responsibilities this implies, but rather as passive subjects or neutrals, or as a crowd of care-free and inert, gum-chewing supers, content with the right of murmuring. The footlights lie between them and their government, though they themselves are indeed the true governors. "They" is not confined to the underprivileged or poor, but to people in all levels of society, all occupations, to rich and poor alike. At moments of decision, there is a want of political composure and judgment and dynamic self-control; sometimes there is an interjection of violence on a petty or large scale into a process which should be one of steady, if anxiously contested, accommodation among disputing individuals and groups. Especially is there a faulty choice between present goods and the long-run good. "Short views we take, nor see the lengths behind," says Pope.

There was a failure of leadership, it is said, in the fall of France, in the closeness of Great Britain to disaster in 1940, and in the tardiness with which the United States entered World War II to fulfill her responsibilities to the world order. There was a prior failure of leadership, which left these countries, as the dictatorships demanded, morally disarmed. But the failure of leadership is a failure of the people. For, not merely at critical moments, but certainly during them, what the statesman will do depends acutely on what he believes the people will support him in doing, or whether they will desert or revile him. There is no doubt, either, as we scrutinize the experience of the inter-war years, that the ordinary man in the street is an active partner with his leaders in the business of diplomacy. When Mr. Chamberlain announced that it was hard to fight for a little country "of which we know nothing," he was not the only self-proclaimed ignoramus.

III

Now, to see clearly on this question of the popular consciousness and democratic values and stability, we must return to the individual after the three-decade-long anæsthetic of class-struggle doctrine. The road to a doctrine which will assist popular sovereignty to its welfare does not lie through the Marxian division by two.

The trouble and the task is not primarily in classes, but primarily in the individuals who constitute them, and who can and will

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and do abandon them wholly or partly at their own whim. It is only too easy to gloss over this very tough problem of individuals and ride away on the class dynamics of government. It is, indeed, simple and tempting to sum up the past in a Marxian sentence, and the present and all the future in a single, short, apocalyptic phrase, much as the dictators have done or their sophists have done for them. Such Marxian sentences are sentences of execution. It is astounding, indeed, that some writers even repeat, by a feat of legerde*mind*, the Marxian idea that individual differences cancel out; except that they wish they could be cancelled, because solutions are easier that way. For if government is founded on opinion, and if revolutions begin in the mind, are not we, who wish men well through government, ourselves governed by individual men's anxieties regarding death, self-sacrifice, reward and punishment, race, children, dominion over others, the validity of force and the uses of cruelty, other people's rights, glory and ambition, national greatness and patriotic duty, work and vocation, economic security, the burden and priority of economic effort relative to other satisfactions, the ways of God to man? Especially in a time of domestic and world-wide crisis is it impossible to ignore these questions, because the answer to them for each individual determines the strength and the direction of his loyalties, even to groups, even to classes, and of course to nations. They are at the base of all politics and government. The task for our time is to relate millions upon millions of individuals to the whole of society, to their classes and to other classes, and traversing any particular class, through and beyond it to the nation and the great globe itself. Each social group is the center or prey of complex and contradictory wishes, and so is each individual. Their state of mind is not simple. Over and above these collective or individual units, their clarification and interlacing are necessary. The unity of each nation and the unity of the world are the primary quests of democracy, and the first thing democracy somehow has to serve; for if democracy is freedom, it is also government. In extreme cases of disunity, there may be civil war; or, as we have seen, nations may be subjugated by an oppressor and have their self-determination altogether destroyed. But, not reaching these bitter extremes, it is urgent to secure the least friction and discontent compatible with the fullest production and the most favorable distribution of economic wealth and the

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maintenance of the moral bases of democratic society, that is, the whole range of civil rights.

This is not possible unless each individual can learn to abandon the self-satisfaction of disruptive egoism. With enlightened individuals, the group egoisms of our time could never have had the power they have exerted in some cases, as in France, to their own destruction, and in all countries very close thereto.

It is impossible and dangerous to ignore one of John Stuart Mill's wisest observations about democracy, for it is neglected:

"In any political election, even by universal suffrage . . . the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage, and give his vote to the best of his judgment, exactly as he would be bound to do if he were the sole voter, and the election depended upon him alone. . . . His vote is not a thing in which he has an option; it has no more to do with his personal wishes than the verdict of a juryman. It is strictly a matter of duty; he is bound to give it according to his best and most conscientious opinion of the public good. Whoever has any other idea of it is unfit to have the suffrage. . . . Instead of opening his heart to exalted patriotism and the obligation of public duty, it awakens and nourishes in him the disposition to use a public function for his own interest, pleasure, or caprice: the same feelings and purposes, on a humbler scale, which actuate a despot and oppressor."

There are group interests, and since we live in a democratic world, this is the age of government by bargaining and adjustment among interests. But what if reconciliation cannot be achieved? What is the alternative but forcible repression of some by others, or by prepotent interest? Reconciliation of a durable, and therefore peaceful and orderly, kind cannot occur simply at the level of group representation; for by that stage contentious dispositions are likely to be hardened, not only against other groups but even in the group leaders in relation to their own membership. That is shown by the short, brutish record of the Italian corporate system; it is shown in the relationship of economic groups and interested parties in all democratic countries. Reconciliation is durably to be discovered only in the pattern of the state that commends itself to the individuals, the pattern that is laid up in the heaven (I use the word deliberately) of the individual's own consciousness, in the individuals who are at once members of the lesser groups and members of the all-inclusive group. The conclusion is ineluctable:

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"Back to the individual, he who makes, unmakes, enters and leaves classes, who makes and unmakes nations and their government!" The individual is a much graver and more difficult problem for democracy than classes; and perhaps that is why there has been a flight from the individual to the class in explaining the nature and problems of government. There is a shocking fatalism in the ascription of dynamic force to classes; it leads to government, not by responsible insight, but by armed cliché. As Comrade Bukharin once said: "We must be ruthless because the sword of history is in our hand."

IV

Now every democratic theory begins with either a theory or an intuition of liberty or freedom of the individual. It may include other things, or believe that other goods are the certain or probable consequences of liberty; but liberty is first and the condition of all else. There is, in short, a belief in the beneficent ultimate consequences of self-assertion, sometimes called "progress." The democratic problem today is to discover a regulator, a moderator, of self-assertion so that the active participating sovereigns shall not abdicate from or destroy their possibilities of durable self-assertion. The play of their will is the admitted sovereign authority, which could be destructive of self and others. What can induce a consciousness of moderation, a temper that will preserve the method of free willing? For all government is largely a search for the guarantee of its own continuance, and the most certain guarantee is the *spirit* in which government is conducted, for that is the element which informs method. Strong in the center of democratic theory, together with the theme of widely distributing leadership for its own invigoration, is the urgent need for limiting government. This is not because power is necessarily evil, but because one man's good may be too good for other men to bear. If government is to be limited, the men, the methods, the purposes and pretensions, must be limited. Upon what, then, will you found self-limitation? If discovered, such a doctrine may make minds more sensitive to Right, and rather less willful for Commodity and Power.

There are two problems to be solved in the relationship of individual egoism to the nation and the world: the problems of knowledge and feeling. Some citizens know and do not care; some care but do not know; some neither know nor care; and some, worse still, are not interested in either knowing or caring. Is it possible to dis-

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cover and teach the facts of the individual's visible bonds to government—still more, the viewless network binding them in regular association with their fellows in their own great society, which is but fragmentary and incomplete unless the dovetailed projections of world society are taken into consideration also? For, at any moment, a critical situation may require that the average man shall act as a supreme statesman by supporting or repudiating the course taken by his government—as, for example, in the years before Munich, as in coping with the economic crisis of 1929 to 1939, as in the successive crises of the Second World War, and as, it is to be expected, in the coming years when it is ended, heavy with fearful economic and international anxieties. All may depend on time—perhaps, indeed, on a few swift hours. The decisive millions crowded away from their classes and rushed in droves to the Swastika! They had not been taught to recognize the dangerous tolling of John Donne's bell. It is true that the many must rely on leaders; but to support, follow, or reject them is itself a kind of leadership, and it is required from average men and women. We rely on leaders instead of being leaders ourselves because our democratic governments are still imperfect and immature, being in their infancy only. The facts of government can be discovered and taught; they can be simplified to the point where they can be easily apprehended without losing their veracity. The stumbling which is due to confusion is remediable. The instruments of research, the radio, the film, and television have given us this power, and even old-fashioned schools can assist where they have able teachers and vivid, accurate textbooks and proper time-tables. On this side of the problem, the richest contributions have been made by H. G. Wells. One may consult *World Brain* and *The End of Homo Sapiens* and *The Shape of Things to Come*.

The crucial problem is not facts and knowledge; it is feeling. Can we feel the feelings of others, and can we feel for them? Yes—on three conditions: if they are close to us geographically, if they are present to us constantly, but above all, *if they matter*. Let us insist again on the nature of the problem: that there must be deliberate devices by government and people to secure that the facts are so presented as to bring the things and people they represent close to us geographically, to make them present constantly, and to make us realize that these matter. The Platonic Republic was founded on the supposition that the affairs of any one in the com-

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munity could be made to matter to all others. Plato says: "And is not that the best ordered State . . . which most nearly approaches to the condition of the individual—as in the body when a finger of one of us is hurt, the whole frame, drawn towards the soul as a center, and forming one kingdom under the ruling power therein, feels the hurt and sympathizes all together with the part affected, and we say that the man has a pain in his finger; and the same expression is used about any other part of the body which has a sensation of pain at suffering or of pleasure at the alleviation of suffering . . . then when any one of the citizens experiences any good or evil, the whole State will make his case their own, and will either rejoice or sorrow with him."

Thus the Platonic Republic is founded on the assumption that all will make any individual's case their own. But the problem of the twentieth century is that each individual shall make the state's case his own. In our discussion we do not assume, as Plato does, the soul as a center already existent; our problem is precisely how, through the individual, to contribute to that soul's creation. As Plato says a little earlier, in the best ordered state "the greatest number of persons will apply the terms 'mine' and 'not mine' in the same way to the same thing." That is the problem of modern democracy—to supply that understanding, to inculcate it in order that individuals may through their unforced choice approach the Platonic criterion. Here, however, we would be careful to observe that we neither believe in the desirability of this Platonic coalescence nor in its possibility. Its possibility may be at once denied. The desirability of such a unity as Plato presents is denied by Aristotle, who extols the plurality of life in the state. He, too, however, looks to unification; but he looks to unification, not in what he calls the "false notion of unity" from which Plato starts, and not to an equalization of mankind's possessions, but rather to the *equalization* (let this be most carefully noted, for at the minimum it must signify "moderation") of men's desires, and, for that, he proposes "a sufficient education provided by the State."

On June 20, 1940, as the dusk of prostration descended on the Third Republic, Marshal Pétain broadcast a message, the concluding words of which were: "Stand by me. The fight goes on. It is for France, the soil of her sons." But neither France nor any other country is the soil of each of her sons with that degree of felt identity which will cause men to fight for all the soil of all the other

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sons as though their soil were his own—unless the identity of interest is of purpose brought home to each individual. The soil of France's sons, or of any country's, is the soil, if there is any, of each son, not of "her sons." Each would fight, work, sacrifice for his. As Locke observed, his labor, his person, is mixed with his soil; it preserves him and makes him prosper; it nourishes his mate and his progeny. How can we overcome what André Malraux has called "the crevasse that separates us from universal life"? How can we burst out of the gates of the simple five senses to the rescue of the Great Society? William James has said: "Our judgments concerning the worth of things big or little depend on the feelings the things arouse in us . . . if we were radically feelingless and if ideas were the only things our mind could entertain, we should lose all our likes and dislikes at a stroke and be unable to point to any situation or experience in life more significant than any other . . . each is bound to feel intensely the importance of his own duties and the significance of the situations that call this forth. But this feeling is in each of us a vital secret for sympathy with which we vainly look to others. The others are too much absorbed in their own vital secrets to take an interest in ours. Hence, the stupidity and injustice of our opinions, so far as they deal with the significance of alien lives. Hence, the falsity of our judgments so far as they presume to decide in an absolute way on the value of other persons, conditions, or ideals." Yet this problem of communication and unity must be solved, in so far as it concerns those things without which a breakdown of domestic and international society must occur. What persuasion can make us care about others, and so learn about others sufficiently to care about others? Is there a principle upon which such persuasion can be founded? Is there an idea to induce at once a temper of continuous readiness to listen and be influenced?

A sanctified command has for two thousand years prayed: "Love thy neighbour as thyself." Who is my neighbour; and how shall a distant phantom be brought close enough to matter? Who will have regard for his fellow Frenchman, Englishman, German, or American as himself?—next door, over the street, beyond the hills and seas, away throughout the tremendous expanse of countries and continents, and, in our world, in distant time also? The question is, Why should he? That is chiefly and ultimately a spiritual question, and it is the decisive question of this paper. The other question is, can the distant citizen, the citizen on the frontier, the

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shadow on the horizon, be so represented as to affect the everyday feelings of the rest? The primary question—the condition of all else—is why does it matter that it should? For if that could be answered, then there would be the steady stimulus to the search for knowledge of the situation and the men we should know about, and the determination to establish and use those instruments of communication which would make other people's affairs and fate continuously and closely present to us. If it is true, as Burke said, that "a man's circumstances are the preceptor of his duty," then we can appreciate his compulsions only if we know his circumstances. But we can know them only if we believe it is significant that we should do so. No claim is being made, no claim is desirable, for the Platonic coalescence of all of mine and thine. There are large fields of other people's responsibilities which they must bear themselves, and each has a right to his own life and must cultivate it. But there are times and places where all must listen, be influenced, and assume responsibility.

V

There were ages of faith, we are told, when principles taught men their duty to men and unified the known world. So in the Christian era of medieval Europe. (Can we be sure of this, as we investigate the evidence?) The body of Christ was one, and all men were its members. (But horrible sanctions lay behind the faith!) In our own day, however (and, depending on an adverse answer to the questions raised in the parentheses, we should say *also*), there are profound inveterate disagreements regarding the principle or principles of society. In an age when patriotism was said not to be enough, even patriotism has failed; for in most countries there has been too little of it. And among the *cognoscenti*, progress is a little tarnished, especially to those who, like Dean Inge of St. Paul's, wrongly ask Progress to what?—as though that could be told by anybody but a dictator or a hermit.

Can a single unifying faith be found for our rationalist age, the age that has experienced the Marxian economic solvent of morality, the rejection of the supernatural, and the sociological subversion of confidence in knowledge and conscience? The only thinkable faith is that which is least vulnerable to argument, because democracy is argument. This faith can only be the position itself that it is the historically demonstrable nature of man that no single

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transcendent principle of the supreme good and the true exists that can carry everywhere, or even for a substantial majority, an unchallengeable conviction founded on revelation or scientific proof. For the Lord no longer says. The good and the true inhere in all of us together—that is the essence of the democratic position—and we come to their fuller recognition in ourselves and in others in the unfolding experience of society. That fuller recognition may be called "progress," and it is attained by self-assertion. But no external and objective pattern is set above or before all. If it were, whether there were democratic or dictatorial government, or any other form which may be conceived, would not matter. The pattern, such as it becomes, springs from the internal and contributory portions we each give, even in our passivity, and derives validity from the fact that all have the opportunity to give.

In the dictatorial state, the pattern of man's perfect character is one man's vision; the teaching of "character" means the imposition of that mould, while good citizenship consists of submission to its confinement. In the democratic state, since perfection is yet to be discovered and is contingent on a continuing quest, the nature of the preferred character is the one that accepts plasticity and the principle of live and let live, of adventure and of self-expression leading to that end. While the dictatorial state thrusts the main emphasis upon obedience, the democratic places the accent upon the conditional terms of consent and the expression of disagreement. The dictatorial state removes responsibility from the conscience of the individual party member and tries to chloroform or hypnotize the mind; in the democratic, the conscience of the individual is fully responsible, refreshed by the beating waves of dynamic opinion, and troubled. Therefore, where dictators rule, the peculiar duty of a party member seems to be harder than that of the democratic citizen; but, in truth, the implied responsibilities of democracy are much more exacting. For self-government means, first, the government of one's self. That is why the democratic states vibrate, sometimes violently, and seem and are unstable. It explains why, therefore, the democratic states are not yet as fully democratic as the tasks implied in their own principle require; for the burden is heavy on citizens and party members who take their responsibilities seriously, and so too few of them do. A few well-organized, conscious, competitive, and honorable parties can make the tasks easier to fulfill. The dictatorships show that there is a

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clear alternative to the burdens of democratic citizenship; but is it nice?

We do not know to what the whole process is tending in its large and far-flung outlines. We cannot know. We do not even know the possibilities more than a little space of time away. It is a difficult and most sedative process to get to know. (Hence, Georges Sorel: "Away with blue-books: they reduce your revolutionary ardor!") We cannot be audacious about human potentialities, even though history is long. It is only a step from the sanguine to the sanguinary, and Hitler, Stalin, and Mussolini took it. Democrats have to grasp the nettle of their own hopes in the beneficence of freedom for the whole multitude, whatever the consequences of the freedom—that none, not the greatest, can prove the tenability of any one faith on which mankind can be united. That nettle is (and it is wholesome, if prickly) that the true and the good are revealable, not at once, but as you go along, and as you keep the ways open for it from wherever it may come, by your modesty, your hesitations, your reflection, your listening, and encouragement of those who have something to say or, where less articulate, can signify by action. This is the philosophical moderator of the self-realization that is a basic tenet of democratic theory.

Thus, men are thrown back on their own resources. Then, what have they to discover? A way by which they may steadily, durably, tranquilly, and with the least coercion, develop and externalize the truth in themselves, the truth of the spirit, of beauty, of economic desire and activity. At the same time, they must offer, create and defend the open way for others, because the truth is as inherent in others, and may be more important than their own when it is heard. Each has to reflect that spiritually he is not better than any other person (spiritually, that is, for he may be ignorant, or others may think more clearly); he may be worse, or he may be proved equal or better, but that waits on the proof of others in this and later generations. There is nothing in revelation or scientific proof that points unchallengeably to any man or a few who possess the truth infallibly for all time and for all of us. Even at the best, the generation is changing every minute by new births and growth, decline and death. That is the faith, pallid and cool as it may be, that is essential to the maintenance of unification which will sustain the democratic method. And many will hate it, because it en-

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tails the admission that their own brand of perfection has no valid claim to rule the world.

This admission—that no faith is tenable but the one that there can be none that is not the product of accommodation—animates our duty to secure and guarantee to others (who would therefore guarantee to us) the social and governmental arrangements which will constitute the maximum resistance to arrogance, force, and repression, give the maximum latitude for spontaneity of ideal and action to all, that is, which will keep the way open for diverse loyalties and interests, and give the least ground for any person to sacrifice another. That is the fundamental we seek. We may put it in Marx's words: "An association . . . in which the free development of each is the condition for the free development of all"; and, therefore, when the free development of all must be supported by each, at the minimum for his own sake.

Other persuasions, of course have been and can be advanced, why men should be concerned for each other's fate though the whole world lies between them. Every man has his own passionate ideal or charity. Appeal could be made to the universal feebleness of even the mightiest, and certainly of ordinary men, before the vast undiscriminating forces of Nature. It might be pleaded that it matters to all of us to avoid the misery of any man, in the great alien world of men, where that misery is not inevitable; for when it comes as it must, it comes as a tribulation. Ethical and metaphysical arguments of the noblest classical and religious descent might persuade each man that all men matter, such as the dignity of man, the brotherhood of man, the partnership of men in toil and disaster, the magnificence of mercy, the splendor of justice, the glory of compassion. Or some fervently offer Socialism as the faith-making substitute for a faith-losing Christianity to recapture the dynamic of the martyrs. Yet all of these, it seems to us, lead back too soon to a desperate cosmic question mark, which finds men still divided instead of suggesting an answer which is a lasting and universal thread able to hold them together in the same easy social texture.

We need that fundamental which assumes the least of belief and effort and sustained height of enthusiasm, not that which demands too much for too long. It is necessary to abjure the "high moral tension" preached by Fascism. Too high a temperature spells the

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dissolution of the body politic. This is a cool, a Stoic, and a stumbling creed. Many ardent spirits will not like it. But it is not complacency; it is responsibility. It is no hot gospel. It is, to repeat, the tenet that a single unifying indisputable ideal cannot be found either in revelation or by scientific test. We are, therefore, driven to embrace the faith that there is none, and therefore to draw the social conclusions of this. The chief consequence is the principle of supporting everybody everywhere in the maintenance of those institutions which grant men the freedom and latitude to fit themselves, their qualities, and desires, where they can best fit themselves, with the maximum permissions and allowances of the right to dwell elsewhere in thought, opinion, occupation, and place, with abundant grounds of appeal, and the chance of mercy and redemption over and above the assurance of justice. That is the frame of a universal freedom, defensible by each for all because the defense of freedom for all is the maintenance of freedom for each. Inside this frame of freedom, and not transgressing or throwing it over, all faiths and minds and characters should find an initiative, limited, but still avenues of development, and a not too oppressive haven from harm. This is, perhaps, the principle which will find the maximum, though not universal, acceptance in the long run, and is therefore justifiable for short-run situations when patience and tolerance may be on the point of collapse in face of some bitter perplexities in social change. The principle will require government to exercise only the last sad, reluctant minimum of coercion. That is, at the least, why it matters whether the individual shall seek to identify himself with the aspirations and interests of all others, no matter of what land, race, and creed, and cast down all intermediate barriers and loyalties which obstruct it, and defend all institutions, procedures, policies, and activities which promote it. This is the admonition which may make him open to feel with others. The persuasion of this is possible as an ultimate faith of very many, perhaps the majority; and, as for the rest, who still cannot find in this an adequate identifying and unifying bond, the persuasion may be accepted on the basis of expediency, to avert such trouble as may not be worth disobedience. The potentialities of life-giving wisdom lie in every man, however humble, and of whatever race, and however distant from our immediate centers of interest. Let us reflect on the wealth bestowed on mankind by the

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son of a village carpenter, a poor lens-grinder, and a certain small-town lawyer.

We may well add one more submission. It can be demonstrated that, whether in the life of a single individual, in that of any group, including national groups, today or over the whole of our known past, no single principle or purpose in its unmixed purity has sufficed to give men happiness. Human contentment has required a subtle combination of many principles, and what principles and what combination and how much of each, is a very individual matter. Whoever elects to declare for *one*, or with confidence what combination, is indeed daring. Does not the discovery of what will bring contentment require the most anxious and progressive weighing, discarding, reassuming, trial and experiment? Let Mr. Justice Frankfurter's mental travail be noted in Minersville School District v. Gobitis (1940). "To state the problem," he said, "is to recall that no single principle can answer all of life's complexities." He had to weigh "interests so subtle and so dear"—religious interests, the freedom to follow conscience, "unfettered scope to the most crotchety beliefs," "the preciousness of the family relation, the authority and independence which give dignity to parenthood," the promotion of national cohesion, the worth of national unity, and above all national security. . . . Every man who benefits in a democracy benefits because the form of government requires of all other men for his sake the conscious care given to such problems as that given, even with agony of mind and scruple, by Mr. Justice Frankfurter.

VI

It is no shame to confess that this all ends in a prescription which is commonplace and simple, even if its metaphysical basis is not: that a doctrine is needed to teach what matters, that organization is required to secure by education, by agitation, especially through the talents of men and women who are specially sensitive, the presence and permanence of the facts and people that matter. As the Physiocrats said, where men are to be liberated, and yet not to injure each other by their spontaneous activity, its minimum requirement is the provision of "public evidence" of the "natural order" of things. We must draw an inference from Hume: we must find a doctrine and a method by which "the mind is so enlarged,

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and so replete with friendship and generosity, that every man has the utmost tenderness for every man." I agree with Hume, though I confess that "replete with friendship and generosity" is a trifle too sentimental a phrase for me. But "tenderness"—yes! My theory is peculiarly a reducer of arrogance and a sustainer of scruple. Therefore, what Nietzsche reviles as the shame of both democracy and Christianity, I regard as their glowing but not incendiary pride. Nietzsche, it will be remembered said, in his *Anti-Christ:*

"The aristocratic attitude of mind has been most thoroughly undermined by the lie of the equality of souls; and if the belief in the 'privilege of the greatest number' creates and will continue to create revolutions, it is Christianity, let there be no doubt about it, and Christian values, which convert every revolution into blood and crime! Christianity is the revolt of all things that crawl on their bellies against everything that is lofty: the gospel of the "lowly" lowers . . ."

There must be a mass, concerted and continuous, ventilation of knowledge and ideas, to show that the soil of all France is the soil of each of her sons, whether near or far from his own property; that an integral part of the product and character and value of that soil is its distant consumers or suppliers or first defenders or legislators, and that for good or ill the connection is held by invisible but demonstrable bonds—essentially of ideas and loyalties—operating in good faith towards that son of France and his own soil; that this home cannot be built and cannot stand unless there is a defense of the homes of the far-away; that there is no such thing as foreign trade or foreign affairs. And it would show that where these moral associations and fellowships have not yet reached or cannot reach, institutions of regulation and coercion are unavoidable; and if these go too far or not far enough, social cohesion is disrupted, and then horrible remedies will be sought in war or dictatorship.

The criterion is the grant of all freedom to act and develop except to destroy or indubitably endanger that freedom. In the light of this, there are bounds to all forms of expression and action, for individuals, groups, classes, parties, and occupations; and a doctrine would elaborate and illuminate this. The Nazis and the Fascists produced such a doctrine in the form of history, philosophy, and civil studies, for their purposes. Its intent, not its content, is relevant. It was to serve to clarify the relationship between the kaleidoscope of hundreds of diverse events in the common man's environment and experience, the many everyday seemingly eccentric and arbitrary happenings and their civic relevance to him. It

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was to replace the chaos of the city streets by a world's meaning. It was on the way to achievement by the establishment of a doctrine of human destiny and duty, drawn from history interpreted by reason, to serve as the thread and signal of direction. It sought to bring nature, history, and spirit into a conspiracy to subvert liberty. All things that the common man saw and heard and surmised, but could not correlate or draw meaning from, the Nazis and the Fascists suffused with coherence by relating to the focus of meaning which they had created. The Russian Communist party, concerned to secure continuous and dynamic loyalty, was forced to find an answer to the problem whether its members could be reliable unless they had absorbed the Marxian historical analysis and logic.

There is no doubt at all that the like can be achieved and made acceptable for and by democratic man, by relating the events of his society and the march of history to the essential democratic doctrine here proposed. For we look down on forty centuries!

Can such a doctrine be spread, the education be successful, the remnant of coercion be tolerable, without certain social changes? Hardly. The delicate bases of belief, however strong these bases in reason, will not bear a heavy strain. The example of crass egoism, especially economic, is no persuasion to self-control. Short views produce short views. But the most difficult problem of the political leader is to induce self-control and the fulfilment of duty in the light of very long views.

What almost all theorists of democracy have sought is a doctrine of guarantees. They have looked to constitutional procedures; they have placed faith in enacted lists of principles, like the bills of rights; they have insisted on education in the principles and spirit of their form of government. But they have always sought guarantees of continuance in liberty. Where that liberty is equally vested in each member of the community, its permanency necessitates the doctrine that no one in its name may go too far, no one can arrogate to himself what may belong to another, that there is self-restraint. For self-restraint, a spiritual basis is required. And it is that no one can assume that there is a faith that ought to unify mankind (least of all by coercion) because mere undemonstrated faith revealed itself, or the believer is so intimately privy to the designs of Providence, or so capable of prophecy, that he may indulge in an excess of arrogance. Such an arrogant belief in our time is that Equality is superior to Democracy as the fundamental of

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modern government. But a little thought will show, first, that it is most difficult to define Economic Equality; and, secondly, highly dangerous to assume that millions upon millions of other people will accept its burdens which must inevitably be the counterpart of its benefits. In any case, whatever the proportioned answer to the question, it could only be discovered by the process of Democracy, and could certainly not be guaranteed in the long-run without it; whereas Democracy is the open door to such equality as men find they can tolerate, and its guarantee. But that is another question, which space is too short to analyze here. Democracy reposes upon the imperfect but forthright admission that no man has found, or can find, the formula of perfection, or ought to claim that he can.

The views advanced here have not disavowed the need for government or action or power. Acton's saying that "power corrupts, and absolute power corrupts absolutely" has in recent years again been put into vehement circulation, strangely enough by those who more than others seem thirsty for power and who propose policies which inherently necessitate its more massive use. But the cases where men have been ennobled by the possession of power are just as numerous as those where they have been corrupted. Power corrupts only those already corrupted. Government is power; democratic government is democratic power; whether it shall be corrupt or noble depends, not on a more or less sincerely wry-faced disavowal of power, but on a universal and responsible intervention in the daily process of its exertion. And that depends on the consciousness of human limitations as regards one's self, and the potentiality of values in all men, in the process of discovery and trial; for reason rejects both faith and deliberate myth.

One hundred and fifty years ago, in the midst of the French Revolution, the Abbé Sieyès asked, What is the Third Estate?, and answered that it was Nothing. And further, What did it want to be?, and replied, Something. And finally, What ought it to be?, and declared, Everything! Today, the Third Estate is Everything, for the People hold the plentitude of power. A new era evokes new questions. What does the People demand? Equality. What does it chiefly want? Plenty. What does it need, and what ought it give? Mercy. And of all the polities known to us, democratic government, with all its temporal imperfections, is Mercy's most assured and durable instrument, and the best tempered.

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DON LUIGI STURZO—CHRISTIAN DEMOCRAT

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The future government of Italy portends a challenge of enormous magnitude for the Catholic Church. Subject as it has been to periodic attacks for reactionism, the Church has been hard pressed to throw off the stigma of its association with Franco in Spain and its willingness to deal with Mussolini's Fascist régime. In the light of these accusations, coupled with rather widespread doubt whether church orthodoxy is compatible with political democracy, it seems altogether appropriate to examine the political theories of one of the leading exponents of liberal Catholicism—Don Luigi Sturzo.

A little over twenty years ago, foreign correspondents, eagerly seeking a label for the "mystery man of Italian politics," referred to him as a clerical socialist.[1] If the term "clerical socialism" is synonymous with Christian socialism, such a characterization might be a proper one for this Sicilian priest. Certainly Sturzo was a champion of the Christian socialist movement which urged the correction of economic injustices but decried the materialism of the Marxists. He approved of the Guild of St. Mathew's sympathy for the unionism and socialism of the nineties and the Roman Catholic Social Guild. The latter found its incentive in the papal encyclical *Rerum Novarum* and the "scholastic traditions in restraint of usury and economic injustice."[2] Both of these organizations were associated with Christian socialism. But, although Christian socialism and clerical socialism have occasionally been placed in the same category, the latter is too ambiguous a term to permit a precise classification. When the term "clerical fascist" is employed, it refers to a cleric with an avowed fascist ideology, or one whose sympathies are definitely pro-fascist. By analogy, clerical socialism might be popularly conceived as being incontrovertibly linked with orthodox socialism and its collectivist connotations. Such an interpretation, however, is erroneous. Clerical socialism is a misnomer. It is unquestionably an improper characterization of Don Luigi Sturzo. Don Sturzo is a Christian Democrat.

[1] See "Clerical Socialist," *Living Age*, Vol. 313, p. 374 (May 13, 1922).

[2] Maurice B. Reckitt, "Christian Socialism," in *The Encyclopedia of Social Sciences*, Vol. 3, p. 451.

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I. A PRIEST IN POLITICS

A priest in politics is always an uncommon political phenomenon, but Sturzo's advent into Italian politics was particularly unique because he started at a time when Catholics were restrained from political participation by the papal *Non Expedit*. The latter advised Catholics to abstain from voting or participating in any political activity in Italy, and it remained in force from 1870 to 1919. What drew an Italian priest to politics? The political and social currents of the 1890's were apparently too strong to permit a man of Sturzo's perspective to stay out of the stream; despite the *Non Expedit*, he gravitated into active political life almost from the day he was ordained.[3] Educated for the priesthood at Catania, he later studied at the Thomistic Academy and Gregorian University in Rome. While in Rome, he occasionally abandoned his formal curriculum of philosophy, sociology, and theology and went out "to gather dust."[4] In this manner he acquired a social consciousness which led him into the realm of practical politics, a development which he found no difficulty in reconciling with his spiritual mission as a priest.

Early in his career, Sturzo was influenced by the modernist movement which attempted to synchronize Catholic theology with democracy.[5] At Gregorian University, he became a great admirer of Romulo Murri, the leader of Italian modernism. Sturzo and Murri shared each other's enthusiasm for social and economic reconstruction; but Sturzo was uncompromising in his theology, whereas Murri was a confirmed modernist without too much deference for the Vatican. It is reported that one of the chief disputes between Sturzo and Murri was over Sturzo's rejection of evolution.[6] Notwithstanding their differences of opinion on theological grounds, the

[3] The *Non Expedit* was issued as a protest against the occupation of Rome and interference with papal rights.

[4] Luigi Sturzo, "My Political Vocation," *Commonweal*, Vol. 34, p. 557 (Sept. 26, 1941).

[5] The essence of the modernist movement in the Catholic Church has been defined as a "desire to reach a reconciliation of faith with 'Science' and Democracy." Vilfredo Pareto, *The Mind and Society*, Vol. 3, "Sentiment in Thinking [Theory of Deviations]" (New York, 1935), par. 1630. The modernists wished to divorce the Church from its association with oligarchies and aristocrats and merge it with democracy. See Rev. Fr. George Tyrell, English translation in *The Programme of Modernism* (New York, 1908), pp. 127–129.

[6] "Don Sturzo: The Mystery Man of Italian Politics," *Current Opinion*, Vol. 72, p. 617 (May 1922).

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two priests found much in common intellectually, and Sturzo was deeply grieved when Murri was suspended *a divinus* for violating the *Non Expedit*.

Besides a deep-rooted interest in philosophy and theology, Sturzo possessed a flair for practical politics that manifested itself in divers ways. "Be practical," he once said in one of his rare speeches, "that is the thing in life."[7] His faculty for organizing workers' associations and coöperative unions demonstrated his capacity as a practical politician.[8] In Sicily he founded a paper, *La Croce di Costantino*, and fought the government order disbanding Catholic and socialist workers' associations. By 1905, the Christian Democrats insisted upon placing his name in the municipal elections, and he became mayor of Caltagirone. This post he held for fifteen years, and these years were marked by municipal progress which included the building of community houses for workmen, establishment of a municipal electric power plant, and the founding of a school of ceramics and a zoölogical institute. Sturzo also found time to teach philosophy and sociology.

During the period preceding and including World War I, Sturzo was constantly exerting his influence to have the *Non Expedit* withdrawn. To a man with his practical bent, the abstention of a large segment of the population from political activity was detrimental to both Church and State. A few days after the Armistice, he went to Milan to speak for a national party to be founded upon principles of Christian democracy. About the same time, he also had an audience with Cardinal Pietro Gaspari, then Papal Secretary of State, and begged for the removal of the *Non Expedit*. The erosion of time and the challenge of events aided and abetted his appeal, and on December 18, 1918, the pope indicated that the *Non Expedit* would not prohibit the formation of a Catholic party. The way was now cleared for definite action, and in January, 1919, Sturzo organized the new Italian Popular party. His official title in the party was that of *segretario politico*.

Twenty-five years of political experience in local politics stood Sturzo in good stead when he embarked upon a national political career; he was now an astute and mature political leader. He was careful to urge that the new party choose a label which avoided

[7] Quoted in *ibid.*, p. 616.

[8] See Gaetano Salvemini and George La Piana, *What to Do with Italy* (New York, 1943), p. 171.

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use of the name Catholic, the reasons advanced being that "religion should not be made the basis of political divisions," and the desire to avoid any connection with the reactionary group among Catholics known as Clericals.[9] While Sturzo is adamant in his insistence that the Popular party was "Christian in spirit and not at all sectarian," its adherents were largely Catholics. In its first trial heat, the party captured 99 out of 508 seats in the Chamber of Deputies; and Sturzo became a leading personage in Italian politics.

This emergence of a priest into the national political arena coincided with the beginning of severe internal dissension in Italy. By virtue of the fact that the 99 votes of the Popular party constituted the second largest homogenous *bloc*, no cabinet could be formed without consulting Sturzo.[10] In rapid succession, he helped form Nitti's cabinet in June, 1920, Giolitti's in July, 1921, and after the fall of Giolitti he dictated the composition of Bonomi's cabinet.[11] He still dominated the Quirinal when the Bonomi government fell, and he played the leading rôle in the selection of Facta's cabinet, the last to be formed before the March on Rome. Not once during this period did Sturzo accept ministerial responsibilities. Several years after his exile, he indicated that his party leaders lacked the necessary courage to take office when the Democratic Liberals showed no capacity for leadership.[12] He attempts to absolve the Popular party leaders (and indirectly himself, for he must assume the responsibility for their not taking office) on the ground that it would have been extremely difficult for them to remain in office, and that their position was not unlike that of the British Labor party in 1923.[13]

In July, 1922, Sturzo set forth a proposal for collaboration with the Socialists in a coalition cabinet. This alignment was not thwarted by the Vatican or the king, as certain writers have intimated, but by the director of the Socialist party, Filippo Turati.[14]

[9] Luigi Sturzo, *Italy and Fascismo* (New York, 1926), p. 97.

[10] The Socialist party, with 154 seats, formed the largest *bloc*.

[11] Herman Finer, *Mussolini's Italy* (New York, 1935), p. 135.

[12] Salvemini and La Piana feel that the Popular party lost a unique opportunity because, outside of Sturzo, it had no capable leaders. *What to Do with Italy*, p. 172.

[13] Luigi Sturzo, "The Italian Popular Party," *Contemporary Review*, Vol. 129, p. 732 (June, 1926).

[14] *Encyclopedia Italiana* (Rome, 1937), Vol. 34, p. 500. See also Luigi Sturzo, "The Church and Democracy and Salvemini-La Piana, *America*, Vol. 70, p. 118 (Nov. 6, 1943). For an account of Sturzo's willingness to collaborate with Turati, see Carlo Sforza, *Contemporary Italy* (New York, 1944), p. 253.

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Although Sturzo was one of the first to perceive the ambiguities in Mussolini's appeal, and ridiculed the claims of the Fascists that they had saved Italy from bolshevism, he also opposed the decision of the Popular party's Council which gave two of its members the option of entering Mussolini's cabinet without representing the party.[15] This support was soon withdrawn, however; and in April, 1923, the Popular party joined the opposition. In the interim that followed, Sturzo made scathing attacks on Mussolini and warned that he would bring ruin and misery to Italy. While Mussolini did not single out Sturzo for as drastic a fate as that suffered by Matteotti, there seems ample evidence that, as an extreme concession to Mussolini, the Vatican admonished priests not to mix in politics and advised Sturzo to leave Italy.[16] His uncompromising loyalty to the Vatican caused him to exile himself voluntarily, and go to England. There he remained until 1940, when he came to the United States.

A sharp controversy has raged over the retirement of Sturzo from active political participation. He speaks of himself in the third person in describing his resignation as head of the Popular party, saying:

"The personal pressure of the Government and of its friends was heavy and continuous; at the critical moment the man who was believed by the Fascisti and philo-Fascisti alike to be the pivot of the situation, the convinced adversary of Mussolini, left the leadership of his party because of obscure threats of armed reprisals against the Church if the cabinet were beaten in the Chamber."[17]

Salvemini and La Piana have interpreted this statement as affording conclusive proof that Mussolini's threat of reprisals, to have been effective, must have been made directly to the Pope "who alone had the power to act."[18] Although Sturzo brands the story that he retired to a monastery [Monte Cassino] on the Pope's order, as a myth invented by the Fascists, and maintains that he went there of his own volition for health and spiritual rest, many still wonder whether his subsequent self-imposed exile indicates pressure

[15] Professor Salvemini defends Sturzo's assertion that bolshevism had been overcome two years before 1922 after the occupation of the factories. See Gaetano Salvemini, *The Fascist Dictatorship* (London, 1928), p. 159.

[16] Luigi Villari, in *Encyclopedia Britannica* (14th ed., New York, 1929), Vol. 21, p. 487. See also Romulus, "Why is Don Sturzo in America?," *Christian Century*, Vol. 58, p. 85 (Jan. 15, 1941).

[17] Sturzo, *Italy and Fascismo*, p. 137.

[18] Salvemini and La Piana, *What to Do with Italy*, p. 85.

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from the Vatican. Irrespective of whatever advice may or may not have been given, however, the fact remains that Sturzo was on the blacklist of Mussolini's government, and he left Italy under threat of the death penalty.

II. CHRISTIAN DEMOCRACY

In bringing to focus the political theories of Don Sturzo, it will readily be seen that the core of his thinking is concerned with harmonizing Christianity with democracy. It will also be noted that he tends to emphasize the historical approach in his treatment of contemporary problems. "Historical similitudes often are carried too far," he writes, "but there are in the depths of history recurrent lines which reveal the perennially human and providential background in their reciprocal interactions."[19] Sturzo has been accused of being both radical and reactionary, and while active in Italian politics, his opponents called him "Little Lenin," and the "father of black bolshevism."[20] Because he advocated radical agrarian reforms, including expropriation of land for the peasants, he was viewed by some as a socialist. It is true that the extreme Left in the Popular party advocated measures "so similar to those of the Socialists that they were nicknamed 'White Socialists'." But the political creed of Sturzo, who once led a strike of 80,000 peasants for three months until their working agreements with the landlords had been improved, is sharply delineated for socialist doctrine. "The able, honest, and well-intentioned Sicilian priest, Don Luigi Sturzo," write Salvemini and La Piana, "was not radical enough to become a Socialist."[21] Though he advocated the expropriation of land, his plan provided for compensation of the landlords at the expense of the taxpayers.[22] The line of demarcation between Sturzo's views on economic reform and that of the Socialists is further emphasized in his discussion of Popularism as the creed of the Popular party. He defines Popularism as being "social in the sense of a radical reform of the present capitalist system, but it parts company with Socialism because it admits of private property while insisting on the social function of such property."[23]

[19] Luigi Sturzo, "The Roman Question," *Review of Politics*, Vol. 5, p. 496 (Oct., 1943). [20] *London Times*, March 3, 1922, p. 11.

[21] Salvemini and La Piana, *What to Do with Italy, op. cit.*, pp. 170–171.

[22] Luigi Sturzo, "Corporationism: Christian, Social, and Fascist," *Catholic World*, Vol. 145, pp. 398–399 (July, 1937).

[23] Luigi Sturzo, *Church and State* (New York, 1939), p. 479.

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Don Sturzo has always urged the collaboration of labor and capital. That he envisages a more vigorous collaboration between labor and capital than that of merely paying lip service to the principle is evidenced by many of his writings. Speaking of vocational corporationism (the labor organization in his ideal society), Sturzo says it "must contribute to the formation of an economic system which will avert the excesses of a capitalism today in great measure anonymous and irresponsible." Such an organization should lead the working classes to "a sharing in capital by copartnership or other suitable means."[24] What Sturzo intends by the words "other suitable means" is somewhat vague, but he seems to take for granted the existence of capital in juxtaposition with a strongly organized labor movement, because he warns that "the working classes must find pacification with other classes and urge to collaboration and fraternity."[25]

A discussion of the salient features of Sturzo's Christian democracy adapts itself well to a topical grouping. The subjects, therefore, of labor, agrarianism, and decentralization are examined in sequence.

A. LABOR

Two events moved Don Sturzo to demand militant action for the improvement of labor's economic plight—the issuance of the papal encyclical *Rerum Novarum* by the "worker's pope," Leo XIII, and the revolts of the workers in the sulphur mines of Sicily. The encyclical *Rerum Novarum* was issued on May 15, 1891, in the midst of the Socialist ferment which was beginning in Italy and Sicily.[26] Sturzo, who at the time of its issuance was studying to obtain a chair in philosophy, writes that he was captivated by *Rerum Novarum*, but that the passiveness with which the encyclical was received disturbed him deeply and he determined to trans-

[24] Sturzo, "Corporationism; Christian, Social, and Fascist," p. 399. [25] *Ibid.*

[26] Encyclical: *Rerum Novarum* (Rome, 1891), English translation in *The Great Encyclical Letters of Pope Leo XIII*, edited by J. J. Wynne (3rd ed., New York, 1903), pp. 208–248. The principles of *Rerum Novarum* have been ably summarized by Henry De Man as placing "emphasis upon individual human personality, but rejection of the economic liberalism of the capitalist régime, which . . . sacrifices the welfare of the workers to the profits of a few; belief in the necessity of social classes, but denial of the Marxian conclusion that their existence entails class struggle; insistence that labor unionism should be non-socialistic, and a declaration of the universal need for associations and for harmonizing divergent interests according to Christian ethics." See "Christian Labor Unions," in *Encyclopedia of the Social Sciences*, Vol. 3, p. 444.

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late its directives into action.[27] He found fertile ground in his native Sicily and in the workers' quarters in Rome where the Old Ghetto was once located. Soon he was demonstrating rare political acumen in organizing workingmen's associations and coöperatives. Despite his belief that Italy's economy was fundamentally agrarian, Sturzo gradually appended his beliefs on the rights of labor to the growing body of political thought he prefers to call Christian democracy. For the laborer, he says:

"The potential right to own does not correspond to actual possibility because of the pressure of capitalism and the tendency towards economic monopoly. . . . The higher status of the worker and his protection against oppression does not remove the fact that the position of the proletariat is precarious, that unemployment is prolonged and grievous, and that wages are often insufficient for supporting a family, so that families go to pieces, leading to a profound crisis of morality and opening the door to revolutionary propaganda."[28]

Sturzo accepts the doctrine embodied in *Rerum Novarum* that the right to organize unions is a natural right which the state should recognize and regulate, and that this right was not created by the state. According to this thesis, the right of union organization may be likened to the family, which is a unit by nature and not a concession from the state. By way of implementing and interpreting *Rerum Novarum*, Sturzo recommends that the state should protect such societies; "but let it not interfere in their internal government, nor touch the inward springs which give them life, for vital movement proceeds essentially from an intrinsic principle and can very easily be quenched by the action of an outside cause."[29] What union organizer in any country would not be pleased to have the state assume this attitude in the midst of the contemporary clamor for more stringent regulation of internal union affairs? We may well ponder the wisdom of such a position, but it can scarcely be held to represent reactionary or anti-labor sentiment.

To the structural medium through which Sturzo would make labor organizations articulate, he gives the name vocational corporationism. Apparently what he means by vocational corporationism is a form of syndicalism based upon well-defined principles of justice

[27] Sturzo, "My Political Vocation," *loc. cit.*, p. 537.

[28] Luigi Sturzo, "Possession and Power," *Catholic World*, Vol. 148, p. 290 (December, 1938).

[29] Sturzo, "Corporationism; Christian, Social, and Fascist," p. 397.

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and morality.[30] This is indicated by a statement he made in 1923 condemning the Fascist party as "one of conservative reaction, and as a party without a program." He said: "The syndicalism they offer to the workers is stolen from us."[31] Sturzo's adoption of the corporative principle is conditional upon an acceptance of the view that the "labor problem is not purely economic but also moral." Thus, irrespective of the mechanism employed as a means to an end, Sturzo would have the "rights of the proletariat" reconciled with a "Christian conception of life."[32]

B. AGRARIANISM

Anyone who probes the works of Don Sturzo senses a quickening pulse when Sturzo discusses his liberal agrarianism. His agrarian philosophy stems in part from emotional and environmental factors, but it is mainly conditioned by his belief that the greatest peril of modern society lies in its materialism. The majority of his Popular party's adherents were peasants, although it also found support in certain professional and lay classes, and in a section of factory workers.[33] Because of his desire to make agrarian Italy a nation of small proprietors, Sturzo advocated expropriation of land for the peasants. He worked vigorously for agricultural coöperatives and achieved notable success in this field.

In many respects, Sturzo's beliefs in a decentralized and agrarian society as the basis of democracy are as uncompromising as those of Thomas Jefferson. But as a modern agrarian he would not disparage manufacturing or industrialization.[34] Although an agrarian in sentiment, he accepts the industrialization of society, but insists that the accompanying materialization needs defense and reconstruction.

[30] In 1918, the *Confederazione italiana dei Lavoratori* was organized under the leadership of Don Sturzo. "This Confederation formed the so-called 'triple white alliance, with coöperatives and the mutual insurance societies, thus forming a centrist syndicalism . . . " Herbert W. Schneider, *The Fascist Government of Italy* (New York, 1939), p. 28.

[31] Quoted in F. B. Austin, "Black Shirt and Black Cassock," *Fortnightly Review*, Vol. 119, p. 212 (Feb., 1923). [32] Luigi Sturzo, "The Italian Popular Party," p. 732.

[33] The Popular party had a large following in the south, where the Christian labor unions were strong; Sturzo reports that the membership of the unions totaled 1,200,000. See Sturzo, "The Church and Democracy and Salvemini-La Piana," p. 118.

[34] See Patrick F. Quinn, "Agrarianism and the Jeffersonian Philosophy," *Review of Politics*, Vol. 4, p. 87 (Jan., 1942).

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C. DECENTRALIZATION

A decentralized state has been traditionally regarded as one of the major tenets of the agrarian, and Sturzo's views conform with this pattern. Like Jefferson, Sturzo holds that we must "seek vitality in the decentralized and balanced society."[35] He is also a firm believer in local autonomy and regional self-government. His attitude on decentralization is clearly expressed in the manifesto of the Popular party of January, 1919, which declared:

"For a centralizing state, seeking to restrict all organizing powers and all civic and individual activities we would substitute, on constitutional grounds, a state . . . respectful of the natural centers and organisms—the family, occupational groups, townships, communes—giving way before the rights of human personality and encouraging its initiatives."[36]

In advocating the decentralization of regional units, Sturzo contends that he does not seek to disorganize or weaken the state. Instead, he hopes to reshape the various regional units into "vital nuclei" which through ceaseless fermentation will give fresh impulse to broad social collaboration. If Sturzo's objective lies in the reappraisal of local autonomy as a means of vitalizing democracy by stimulating a greater interplay of social forces, he has the support of some contemporary political scholars. Thus, Professor Herman Finer would justify some measure of local self-government as "a local counterweight to centralized power which might tend to absoluteness," and because of "the importance of ministering to individuality and sense of free authority, coupled with the opportunity of political education."[37]

It seems probable that Sturzo's "communal autonomy" might well be achieved at the expense of some sacrifice of the advantages of central coördination. There is a similar likelihood, however, that his attitude toward the centralized society would be conditioned by realities and be balanced, just as have his beliefs on agrarianism. In the meantime, his search for an organic system which will precipitate a resurgence of civic participation and prevent democratic processes from ossifying may yet bear fruit.

[35] Francis Wilson, "On Jeffersonian Tradition," *Review of Politics*, Vol. 5, p. 320 (July, 1943). See also Vernon L. Parrington, *The Colonial Mind, 1620–1800* (New York, 1927), p. 351.

[36] Sturzo, *Italy and Fascismo*, p. 97.

[37] Herman Finer, "The Case for Local Self-Government," *Public Administration Review*, Vol. 3, p. 58 (Winter 1943).

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III. CATHOLICS AND POLITICAL INDEPENDENCE

A study of Sturzo as a behind-the-scenes politician reveals more clearly a fundamental conflict which has yet to be resolved—the priesthood vs. politics. He was a patient builder and an indefatigable worker. He was reluctant to see everyone who wished to see him because he thought it might eclipse his importance as a leader, and he once told Facta: "You statesmen dine too much, wine too much, trifle too much."[38] Sturzo is known as a humble man and as one who has never asked for any recognition. Yet the *Roma Tribuna* declared that he was "temperamentally despotic," despite the deference he showed to his lowest subordinate.[39] The same newspaper showed concern about the fact that Sturzo worked through a few trusted followers—men who are reported to have obeyed his command without question for twenty years. Back of this assumption lies the fear shared by many that the authoritarian principles which govern the Catholic Church might be substituted for democratic determinism in matters affecting party organization and ultimately the policies of the state. Inevitably the question which must be answered is: Does the Christian democracy of Don Sturzo present a conflict between love of one's religion and political liberty? According to Professor G. A. Borgese, who strongly approves of Sturzo's efforts to bring about a "liberal Catholicism," this question must be answered in the affirmative; and herein lies the irreconcilable conflict for Borgese. "Don Sturzo, like Montalembert," he writes, "loves liberty above anything else, but his religion above his liberty."[40] Sturzo has never answered this statement categorically. But he has made it explicitly clear that politics and religion should be kept separate, and that he never sought nor accepted advice from the Vatican on political matters. "Never did the leadership of the Popular party . . . go to the Vatican for advice," he writes. "They were always careful not to mix politics and religion and not to look upon the Pope as head of their party."[41] Replying directly to the charge of Salvemini and La Piana in their recent book, *What to Do with Italy* (p. 173) that he received political advice from the Pope, Sturzo said:

[38] "Don Sturzo: The Mystery Man of Italian Politics," p. 616.

[39] Quoted in *ibid.*, p. 617.

[40] G. A. Borgese, "Don Sturzo's Liberal Catholicism" (book review of Sturzo's *Church and State*), *Nation*, Vol. 150, p. 544 (April 27, 1940).

[41] *New York Times*, Dec. 2, 1943, p. 26.

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"If a priest, founder and leader of a political party, is an exception in the Church, it is necessary to look at him in the whole of his life; it seems to me that I have given constant evidence that I have always safeguarded the political independence of my party as well as the ecclesiastical discipline that binds me."[42]

A dispassionate review seems to indicate that, with the single exception of his resignation as head of the Popular party, Sturzo has accomplished both objectives.[43] Among his followers in the party, however, there is evidence that some were "devoted first to their Church and secondly to the State."[44]

Sturzo's position on the question of relative allegiance to church and temporal institutions finds support and an interesting analogy in an incident of American politics. In 1927, Charles C. Marshall, a New York attorney who was associated with the Anglican Church and an authority on canon law, addressed an open letter to former Governor Alfred E. Smith in the *Atlantic Monthly* calling upon Smith to state his views on this controversial issue.[45] Replying in a forthright manner, Smith asserted that he had been "a devout Catholic since childhood," and that he believed:

"no tribunal of any church has any power to make any decree in the law of the land, other than to establish the status of its own communicants within its own church. . . . I recognize no power in the institution of my Church to interfere with the operations of the Constitution of the United States or the enforcement of the law of the land."[46]

Like Sturzo, Smith attempts to dispel any doubts that a Catholic holding public office might unduly feel the weight of ecclesiastical restraint. But, to the majority of non-Catholics, acceptance of Sturzo's and Smith's position emanates from the feeling that both men have fine personal records rather than any deep-rooted conviction that a conflict is non-existent.[47]

[42] Sturzo, "The Church and Democracy and Salvemini-La Piana," p. 119.

[43] Salvemini and La Piana state that "Don Sturzo made an honest effort to maintain the autonomy of his party, but he was forced to yield at times to ecclesiastical pressure . . . " (*What to Do with Italy*, p. 173). The author of the present article disagrees with this conclusion and submits that, on the contrary, Sturzo personally did not succumb to ecclesiastical pressure, even when his actions incurred the displeasure of the Vatican, as long as he headed the Popular party.

[44] Joseph Collins, "Don Sturzo, the New Savonarola," *New York Times*, May 7, 1922, p. 9.

[45] Charles C. Marshall, "An Open Letter to Governor Smith," *Atlantic Monthly*, Vol. 139, pp. 540–549, Apr., 1927.

[46] "Catholic and Patriot: Governor Smith Replies," *Atlantic Monthly*, Vol. 139, p. 728 (May, 1937).

[47] See Irving Stone, *They Also Ran* (New York, 1943), p. 300. "But the public

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It is not the fear that Sturzo would extinguish civil liberties, were he to head the state, that prompts Borgese and other writers to single out this ranking of loyalties for attack. Sturzo's personal integrity and his convictions on civil liberties for all, irrespective of creed, are accepted as genuine. It is the heritage and record of the clergy in such matters as the Dreyfus Affair and the Spanish Episcopate in the civil war in Spain, and the fear that Sturzo would accede to the directives of his superiors, that gave rise to alarm. Wherein, then, lies the answer? Could it be in the selection of a liberal pope such as a Don Sturzo, or a man with the views of the lay philosopher, Jacques Maritain?

IV. DEMOCRACY AND THE CHURCH

Adversaries of the Church have consistently maintained that a chasm exists between political democracy and an authoritarian church which cannot be spanned. In substantiation of this argument, historical evidence is cited showing the relations of the Church with reactionary régimes, and the thesis is advanced that eccliesiastical censorship makes freedom of political thought impossible. Sturzo believes the idea absurd that there is a "dogmatic" impossibility for Catholics to be democrats. He grants that "democracy and the Church" affords some weak points, but observes that:

". . . if the historical evidence which might be produced in the relations between State and Church is more plentiful in favor of the absolute régimes, this depends on the fact that such régimes have historically been the normal thing up to modern times, whereas the democratic régimes have emerged only since the end of the eighteenth century; and even then with such contrasts and struggles in the economic and political fields that no one may say that the ideal democracy has been realized."[48]

Admittedly, the "clergy is more or less disposed to support the conservative classes."[49] Pius XI, who negotiated the Concordat with Mussolini, came from a family and environment of conservatives, and Sturzo suggests that this group (Lombardian con-

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was more interested in Smith's personal statement; the fact that his cabinet at Albany consisted of two Catholics, thirteen Protestants, and one Jew, that his closest associate was 'a Protestant, a Republican and a 32-degree Mason,' that never in his eighteen years of office had any member of his Church attempted to influence his administration, or asked him to show special favor to Catholics or to discriminate against non-Catholics."

[48] Sturzo, "The Church and Democracy and Salvemini-La Piana," p. 117.

[49] Sturzo, "The Roman Question," *loc. cit.*, p. 502.

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servatives) "could well be called reactionaries."[50] Historically, he notes that the clergy has feared, first liberalism, then socialism, and finally bolshevism. One must also take into account, says Sturzo, the fact that many revolutionary leaders such as Marx and Lenin took the denial of Christianity as their point of departure. If, then, the clergy associated itself with non-liberal régimes, it did so because the historical system changes with difficulty and because "of lack of experience in a régime of liberty."[51]

But what of the contemporary charges that the Church has assumed a complaisant attitude towards Fascism?[52] And what of the Concordat of 1929 arranged by Pius XI and Mussolini? According to Sturzo, the Concordat was not one of political collaboration. Though it did bring certain advantages to the Fascists which they exploited for political purposes, the Concordat was a religious collaboration. The belief of Pius XI that he could "normalize" Fascism by influencing it religiously or morally was a mistaken one, and Sturzo readily admits that this "vision was based on premises that did not withstand the reality of facts."[53] Sturzo finds, nevertheless, that not only priests and bishops were mistaken about Fascism, but also many leftists, labor organizers, and foreign observers, including Sidney and Beatrice Webb. He reports that shortly after his exile, when he arrived in London, the Webbs were in favor of Fascism, though scarcely ten months had elapsed since the assassination of Giacomo Matteotti. He also asks a caustic critic of the Church, Salvemini, to remember "the strenuous defense of Fascism made by George Bernard Shaw at King's Hall in London, nearly ten years ago, when he [Salvemini] was forbidden to reply to the speech."[54] The futility of arguing that Pius XI should have known of Mussolini's "maliciousness," Sturzo thinks should now be apparent. Pius VII was supposed to know Napoleon, yet he approved the Concordat and was later rewarded by imprisonment at Savona. The Church can count many "appeasements" in her history "as well as many resistances and struggles."[55] In the end, Sturzo feels that only a very few like Salvemini, himself, and other anti-Fascists who really had the misfortune to be closely associated with Mussolini's combative political tactics knew what to expect.

[50] *Ibid.*, p. 498. [51] *Ibid.*, p. 503.

[52] See Gaetano Salvemini, "Pius XII and Fascism," *New Republic*, Vol. 109, pp. 305–309 (Mar., 8 1943).

[53] Sturzo, "The Church and Democracy and Salvemini-La Piana," p. 120.

[54] *Ibid.* [55] *Ibid.*

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The unfortunate part of this maze of charges and countercharges for Sturzo is that it beclouds the real issue. Stated simply, the question to be answered is: Can the theology of the Catholic Church be compatible with modern democracy? Sturzo answers with an emphatic "yes," the gist of his thesis being that the Catholic Church is not a positive force for anything in government but *conscience* and *ethics*.[56] "The Church has proclaimed a thousand times," he says "that she is indifferent to any political form whatsoever, provided morality and religion are respected."[57] Fascism, despotism, and other tyrannical forms of government must be placed in an "episodial frame" along with other contacts the Church has had with political society. "Today," Sturzo notes, "we say that Democracy is the régime closest to social perfection." Reverting again to the historical approach, he tells us that, "while we cannot admit a deterministic human progress, we must grant the fact that humanity makes progress in its experiences."[58] There is, then, no inherent incompatibility between the Church and democracy for Sturzo. He holds that while the Church may impose a censorship in the spiritual realm, the individual still possesses full right to make decisions in the political field without ecclesiastical restraints.[59]

V. RIGHT OF REVOLT

An index to the degree of importance Sturzo attaches to religious freedom is found in his discussion of the right of resistance to the state. His intimate contact with Italian politics during the period of Fascist terrorism convinced him that the state must exact strict observance of its laws and "defend itself against possible subversive movements."[60] But Sturzo holds that no one may be forced to act against his conscience. Since the collective conscience "forms the rational basis for resistance to the state," Sturzo would permit such a group, even though a minority, to resist a law they deemed unjust

[56] Italics mine. [57] Sturzo, "The Roman Question," p. 503. [58] *Ibid.*, p. 504.

[59] Compare Sturzo's attitude with the similar conclusion recently expressed by Sherman S. Hayden in *Foreign Policy Reports*. "Since, however, the Church does not attempt to regulate conduct outside certain defined spheres, and since most individuals rarely find themselves in conflict with the Church in those fields which it does claim for its own, it would seem possible, as a practical matter, for an individual to be both Catholic and democratic." "Foreign Policy of the Vatican," Vol. 19, p. 279 (Jan. 15, 1944).

[60] Luigi Sturzo, "The Right of Resistance to the State," *Contemporary Review*, Vol. 134, p. 318 (Sept., 1928).

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under certain conditions. The requisites for active resistance to the state Sturzo enumerates as follows:

"A simple minority may struggle with the State if it has first resorted to all legal methods and failed and still feels that its position is so unbearable that they are willing to assume the responsibility for violent methods. . . . The collective conscience must feel the necessity and opportunity of revolt, and reasonably expect success."[61]

By way of generalizing, Sturzo indicates that, in addition to the above criteria, active resistance to the state must have a "rational or moral basis."[62]

Sturzo's advocacy of active resistance to the state under certain conditions raises an interesting related question frequently advanced by Marxist minority groups. The Marxists contend that though the right to secure their objectives through democratic processes guaranteed by constitutional forms exists in theory, actually such a possibility is remote, since the press, radio, and other means of reaching public opinion are in hostile hands. Obviously, Sturzo's purpose is to permit action which would preserve morality and religion instead of abolishing it. Thus he would not countenance the Marxist position, but he does justify resort to violence for moral reasons, even when the minority is not oppressed by a despotic and tyrannical majority. We might summarily dismiss this view as being patently undemocratic, but it involves an issue of vital consequence. It foresees the possibility that to keep the state democratic, it may be necessary to be "undemocratic." Fifty-one per cent, or simple majority rule, does not necessarily mean democracy, even where the right of the minority to become the majority is preserved. The democratic way of life is composed of many complex intangibles and is not achieved simply by resort to minimum procedural requirements.

VI. WAR

Few subjects have been more controversial than the attitude of the Catholic Church toward war. Objectivity among many Catholic writers has been either completely lacking or so clouded by an apologetic tone as to be of little value. Sturzo shows no reticence

[61] *Ibid.*, p. 320.

[62] Thus he did not approve of the armed revolt in Ireland from 1916 to 1921, even though "our sympathies as Catholics and free men supported their claims." Luigi Sturzo, "The Right to Rebel," *Dublin Review*, Vol. 201, p. 37 (July, 1937).

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about expressing himself on his church's attitude toward wars. He makes no attempt to whitewash the record or soft-pedal the more unfortunate incidents. His summary of the attitude of the Holy See toward the wars of the nineteenth century in Europe and in the Latin-American countries is notable for its clarity:

"In general [he writes], the supposed lesser evil was practically always favored; the governments in power rather than the rebels; those of the Right rather than those of the Left; the liberal rather than the socialist; in an almost spontaneous conformity, and nearly always more political than ethical."[63]

Again, expressing a similar thought, he says:

"In general, the attitude of the Church in the first half of the nineteenth century was opposed to revolts and wars called national. And apart from the ethical point of view whether such wars were or were not just, the Church was opposed because of the liberal ideas which were their basis and which changed the status of possession in which the monarchies, aristocracies, and clergy found themselves."[64]

Coming to the twentieth century, Sturzo finds the same lack of "ethical evaluation," in so far as Catholic thought and war was concerned, that characterized the nineteenth century. He asks why so many Catholics of neutral countries favored Austria at the beginning when she attacked Serbia, and later Germany when she attacked France and violated Belgian neutrality. "Unfortunately, the political or pseudo-political sentiments took precedence over ethical evaluations," reports Sturzo. "Serbia was Orthodox and bound to St. Petersburg, while Austria was Catholic (politically)," and as rationalized by some Catholics, "if Germany was dominated by Lutheran Prussia, the France of 1914 was still that of the anti-clericalism of Combes."[65]

In the post-Versailles period, Sturzo chastises Catholics and the Catholic press alike for the indefensible position taken in the Ethiopian crisis, the Austrian Anschluss, and the Albanian invasion. Italy was bound by pact with Abyssinia to submit to arbitration every controversy not amicably settled. Italy was also bound to the League. Yet, "Catholics did not take a clear-cut position in favor of the League, and with few exceptions the Catholic press approved the action of Italy's Fascist government." When Italy took Albania on Good Friday in 1938, Catholic journals which con-

[63] Luigi Sturzo, "Wars and Catholic Thought," *Review of Politics*, Vol. 3, p. 164 (Apr., 1941). [64] *Ibid.* [65] *Ibid.*, p. 167.

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demned the aggression could be counted on one's fingers. Likewise, when Hitler consummated his bloodless annexation of Austria, few Catholic journals opposed it, and most were inclined to dispose of the conflict by arguing that Austrians are Germans anyway. "The Italian Catholics and all who were in accord with them," says Sturzo, "found themselves a bit short to justify their conduct."[66]

Although conceding many shortcomings, Sturzo believes much criticism of Catholics in the Spanish civil conflict to have been unfair, because it attempted to single out religion as the motivating factor for overthrowing the Leftist republican government and installing a Fascist régime.[67] The religious motive, "originally subsidiary or concomitant," was played up out of all proportion to its actual rôle. Sturzo views the differentiation between the two camps as "intrinsically political and social."[68] He admits that the bulk of the clergy favored Franco, but points out that the lines of cleavage were not absolute. The Basque priests and many of those of Catalonia and Madrid were with the Loyalists, and a considerable number of Catholics, in line with the writings of St. Thomas Aquinas, took the position that they could not refuse defense of the legitimate government even though public worship had been suppressed by mob violence.

Much of the blame for the Catholic association with Franco, Sturzo attributes to the "impassioned atmosphere" brought about in the initial stage of the revolt—the rapid disorganization of the state, the fierce resistance of the working masses without military organization, and the "frenzied religious persecutions."

> "For the partisans of the government [says Sturzo], all bishops were rebels who were conspiring with the generals. . . . For the partisans of Franco, all Republicans were Communists urged and helped by Moscow . . . to kill priests, to forbid religious worship and bolshevise the nation."

Sturzo strengthens this contention by reminding us that "the horrors of a war of this type are increased by the ferocity peculiar to civil war, by the rancour of both sides."[69]

[66] *Ibid.*, p. 171.

[67] For a fair and dispassionate analysis, see Hayden, "Foreign Policy of the Vatican," *loc. cit.*, p. 282. "A somewhat uncritical sympathy with the old régime in Spain, and a very genuine sorrow for the sufferings of the faithful combined with detestation of Communism to blind the Pope to any mitigating factors. . . . He appears to have convinced himself completely that here was a clear case of conflict between the Church and its enemies."

[68] Sturzo, *Church and State*, p. 554. "A certain criticism is not unfounded," he writes, "but it is too general. . . ."

[69] *Ibid.*, p. 506

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For most critics, the mitigating factors enumerated by Sturzo are insufficient to absolve the Catholic Church from the responsibility which attaches to it as a result of the attitude taken by the Vatican and a majority of the clergy in the Spanish Civil War. Although the historical record is not one easily erased, Sturzo's final refutation of the charge that his Church has always collaborated with Fascism is not without value. We must not overlook the fact that Fascist doctrines have polluted a good part of the globe and are not biologically peculiar to nationality nor confined to one religion.

"If not all Catholics, and not all priests, have realized the incompatibility of Fascism and Christian life [writes Sturzo], it is due to the fact that the crisis has invaded the whole of society, of which, whether churchmen or laymen, we are all part, breathing its infected air."[70]

We have already noted that Sturzo takes exception to the position of the scholastic St. Thomas Aquinas on the duty of citizens to support the *de jure* government. "In general," says Sturzo, "it is the duty (as well as the right) of all those who are called to cooperate formally in an unjust war to refuse political obedience."[71] Could not this statement have been utilized as a directive for Italian Catholics to oppose Italian belligerency in Ethiopia? And if used at the time of the Ethiopian crisis, why not again for Albania, and in June, 1940, when Italy turned on France? Surely Sturzo does not feel that effective opposition to an unjust war proceeds merely by spontaneous action without a guiding force. Is Sturzo suggesting that such a directive must emanate from the Holy See if concerted action is to be brought about? This conclusion might be inferred from his denunciation of Catholics in 1938 for permitting the moral limit of political power in Italy to go unchallenged. Reminding Catholic moralists that "in concrete reality there is no form without content," and that in government "it is the content that gives value to form," he observes that when militarization of six-year-old Italian children was ordered, requiring them to register as Sons of the She-Wolf and receive Fascist indoctrination, Catholics made no protest.[72] Sturzo disparages this weak moral conscience and is willing to defend moral and social values "*even though we*

[70] *Ibid.*, p. 555.

[71] Luigi Sturzo, "Authority and Democracy," *Dublin Review*, Vol. 209–210, p. 163 (Apr., 1942).

[72] Luigi Sturzo, "Politique et Théologie Morale," in *Les Guerre Modernes et la Pensée Catholique* (Montreal, 1942), pp. 132, 157. Reprinted from the *Nouvelle Revue Théologique* (Paris, Sept.-Oct., 1938).

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must return to the catacombs, and even at the risk of being classified as traitors, and as enemies of the state, of the nation, of the race, of our class, and of humanity."[73] Here we see Sturzo at his best, making an outspoken plea for action and condemning Catholic lethargy where moral and social values were involved. This affords a clear presumption that he would have wished the leaders of his Church to defy the Fascists "*even though we must return to the catacombs.*"

In the final analysis, Sturzo's outlook on war is realistic and simple. He recognizes the right of war without concerning himself with involved juridical concepts on the legality of war. Sociology, he tells us, must give us the answer as to when, where, and how the right of war can be abolished. Lasting peace can be attained only "when the recognition of the right of war is no longer required by the social structure."[74]

VII. ITALY AND INTERNATIONAL ORGANIZATION

Unlike many political leaders, Don Sturzo is not inconsistent when his plans for the future Italy are compared with those he advocated twenty years ago. He still feels that immediate large-scale industrial development in Italy is unlikely because of insufficient material resources.[75] He is convinced that the "nation's economic life will continue to be based chiefly on agriculture and its related industries"; hence he still would impose agrarian reforms outlined in the Popular party program.[76] For social and economic problems, Sturzo asserts that the Beveridge Plan "can be a useful guide."

Who should the leaders be when the Fascists have been expelled from control?[77] Sturzo warns that civil servants must be carefully excluded from political responsibility and that generals are not suited for civilian government. He would recruit Italy's new leaders from the age bracket of fifty to sixty years, because Italy's youth, "lack comprehension of the world outside Fascism."[78]

Sturzo has never forgiven Victor Emmanuel for acquiescing in

[73] *Ibid.*, p. 160. Italics mine.

[74] Luigi Sturzo, "The Modern Conscience and the Right of War," *Hibbert Journal*, Vol. 25, p. 587 (July, 1927).

[75] Luigi Sturzo, "Italy after Mussolini," *Foreign Affairs*, Vol. 21, p. 424 (Apr., 1943).

[76] *Ibid.*

[77] Sturzo's good judgment in "dissecting" Italian problems in an article appearing in *Foreign Affairs* (Apr., 1943) is given extensive treatment by Salvemini and La Piana. See *What to Do with Italy*, pp. 218–220.

[78] Sturzo, "Italy after Mussolini," p. 424.

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Mussolini's March on Rome, and has taken the Italian monarch to task on several occasions.[79] Italian monarchs, and indeed the kings of all Latin countries, have "never observed the constitutions given by them with a solemn oath before God."[80] Notwithstanding the Lateran Treaty of 1929, Sturzo feels that the Vatican is under no obligation to defend the monarchy "if the Italian people decided in favor of a republic."[81] His attitude toward the future Italian state is succinctly expressed in a statement in *New Europe:*

"My idea is that, after the war, all peoples have only two alternatives: democracy (with practical adaptation to the needs, aspirations, and sympathies of every nation), and communism (with more or less tyrannical methods). The third alternative variously called semi-Fascism, Authoritative Government, or semi-Dictatorship, is of the past; its survival, like Franco of Spain, would be for a short time with external help, not by the will of the people. . . ."[82]

With most anti-Fascists who have been living abroad committed to a policy of religious freedom without any infringement of the Pope's position as head of the Catholic Church, Sturzo does not foresee any complicated religious problem for the future Italy. In contrast to the situation a century ago when the ecclesiastical mortmain held almost one-third of the national property, there need be no further friction with the Church in the economic field.[83] He recognizes that unilateral denunciation of the Lateran Treaty of 1929 might create an issue. If public opinion no longer accepts the Concordat, Sturzo suggests that a *modus vivendi* be arranged for negotiation, as was done in Czechoslovakia. Should a complete separation be desired, he feels it imperative that diplomatic negotiations be resorted to rather than unilateral denunciation. The latter would be a hostile act toward the Vatican, and certainly not conducive to the pacification of a country torn asunder by war and twenty years of Fascist dictatorship.

[79] "If the monarchy had been with them [those opposed to Mussolini], Fascism would have fallen before the Matteotti crime . . . " writes Sturzo. "If he [Victor Emmanuel] had dared, three fourths of the nation, at least, would have been on his side." Luigi Sturzo, "Italian Problems in War and Peace," *Review of Politics*, Jan., 1943, p. 68.

[80] Luigi Sturzo, "The Future Regime of Italy," *New Europe*, Vol. 3, p. 25 (Sept., 1943).

[81] Sturzo, "Italy after Mussolini," p. 421. Currently he is urging the left wing of the reconstituted Christian Democratic party to take a republican position. See *New York Times*, July 15, 1944.

[82] Sturzo, "The Future Régime of Italy," *loc. cit.*, p. 25.

[83] Sturzo, "The Roman Question," p. 505.

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For international coöperation, Sturzo endorses the principle of a revitalized League rather than a superstructure for world government. The League of Nations lost face, he says, because it was "ambiguously placed juridically and weak politically."[84] The juridical ambiguity was inherent in the very nature of the League because it was composed of a voluntary association of states that professed to accept social obligations and yet insisted upon keeping their absolute sovereignty intact. Siding with the moralists, Sturzo sees the conflict between the positivists and other schools of thought on international law as one of academic interest only. No theory can succeed unless we accept some limitation on individual sovereignty.[85]

Sturzo opposes compulsory membership in a new League. Thus, he would limit membership to "only those states willing to accept the spirit and the letter of the new covenant."[86] No doubt many students of international relations will take exception to this proposal and insist that a League must be an indissoluble union of all states, whose members will not be allowed to secede. Sturzo, however, would exclude states "morally or politically unable to assume responsibility," and suggests that states which prove to be saboteurs of the League, such as Japan did by her aggression in Manchuria, should be expelled. The new League must have the power to deny the admission of a member who does not inspire confidence and to expel a state which fails in keeping its pledged word.

The concern expressed by many Catholic writers over future relations with Russia does not distort Sturzo's thinking. "Our repeated expressed opinion is that the collective victory will signify a new era for Russia," he explains, and it is "legitimate to think that Russia in her own interest will coöperate loyally and will deserve confidence."[87] If Russia infiltrates communist propaganda in other countries, however, Sturzo believes she should be called to task by the new League. Care should be taken, he warns, to prevent the Great Powers from forming a *bloc* and dominating the League; but it is equally important that an obstructionist coalition of the smaller states be forestalled. Absurd procedural rules which

[84] Luigi Sturzo, "The Coming League," *Commonweal*, Vol. 37, p. 488 (Mar. 5, 1943).

[85] Sturzo, "Politique et Théologie Morale," in *Les guerre modernes et la pensée Catholique*, p. 163.

[86] Sturzo, "The Coming League," *loc. cit.*, p. 488.

[87] *Ibid.*, p. 489.

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tend to stymie or paralyze League action, such as the requirement of a unanimous vote in the Assembly, should be weeded out. Such details, however, while significant mechanically, will not alone preserve international morality. "Jealousies between today's friends and mistrust of yesterday's enemies will soon arise."[88] A new international edifice will not survive in a moral vacuum devoid of ethics and principles of international law.

CONCLUSIONS

Any evaluation of Don Sturzo's contribution to contemporary political thought must reveal that his major objective has always been to clothe the orthodox theology of his church with a rational plan of political democracy based upon advanced economic and social reforms. Unlike St. Thomas Aquinas and other scholastics who adhered too closely to dogmatic theology to evolve a well-conceived political system, Don Sturzo has blocked out a practical theory within the confines of orthodox Catholicism. Indeed, his writings are symptomatic of the forces militating for liberal Catholicism. Together with the lay philosopher, Jacques Maritain, who is the leading exponent of Thomistic philosophy as applied to social, economic, and political problems, Sturzo is weaving a thread of liberalism into the fabric of Catholic dogma. Speaking at Freedom House in New York City, in February, 1943, M. Maritain declared that European peoples "consider the particular features given to private ownership and free enterprise by capitalism to be already things of the past . . . Europe aspires to a new civilization . . . in which each human person may enjoy social as well as political freedom and the working classes may reach their historic coming of age."[89] Sturzo and Maritain are striving for a "personalistic" democracy in which the individual personality forms the nucleus of a collective morality.[90] To achieve such a goal, we must reanimate the ethical values of the human personality. These values cannot be legislated; nor can they be superimposed by force.

Sturzo's fairness and objectivity have won for him the praise of such diverse scholars as Vilfredo Pareto, Gaetano Salvemini, and G. A. Borgese. Because of his integrity, the recent appeals that

[88] *Ibid.*, p. 490.

[89] Quoted in Louis Adamic, "Death in Front of the Church," *Harper's Magazine*, Vol. 187, p. 375 (Sept., 1943).

[90] See Jacques Maritain, "Christian Humanism," *Fortune*, Vol. 25, p. 168 (Apr., 1942).

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Sturzo be not overlooked for a reconstruction assignment in Italy occasioned no surprise. Sturzo's immediate value to the Allied Governments in Italy is immeasurable, but his lifelong efforts to draw his Church into an orbit of political democracy will outlive his importance as an Italian political leader. For all of his nebulous generalizations, Don Sturzo has succeeded in giving Christian democracy a degree of cohesive unity and adequate form. More specifically, he has forcefully indicated where conflicts between his church and temporal authorities might be resolved without sacrifice of principle for Catholics and without impairment of the principles of political democracy. Finally, he has suggested some provocative ideas which would attach a stronger responsibility to the Papacy for guidance in temporal affairs. His faith in the future, however, presupposes that these problems will be approached by statesmen—men of stature. The post-war statesman must strive to raise himself above the corrosive influence of partisan bias. If Sturzo has created a force which will survive him (and there are evidences that he has done so), the possibility of violence between temporal and religious groups will be infinitely diminished.[91] Should this prove true, a seventy-three-year-old priest now in his twentieth year of exile will have reason to be gratified.

[91] See William Henry Camberlin, "Canada Swings to the Left," *Harper's Magazine*, Vol. 187 (Dec., 1943). "The recent decision of the Canadian Catholic hierarchy that there is no moral objection to Catholic support of the C.C.F. [Coöperative Commonwealth Federation] is of obvious benefit where more than forty per cent of the people belong to this faith." See also report of Daniel De Luce, Associated Press correspondent, on the coöperation of Catholic priests and Partisans in Yugoslavia, *Baltimore Sun*, Oct. 8, 1943, p. 1.

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CONSTITUTIONAL LAW IN 1943-44

THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1943

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There were no changes in the personnel of the Court during the 1943 term. Disagreement amongst the justices mounted sharply. In seventeen cases, four justices dissented; three dissented in twenty others. Two cases overruled previous decisions of the Court, bringing to twenty-four the total list of reversals since 1937. One of the two recent reversals, that in the very important case holding the insurance business to be interstate commerce, was effected by a minority of the justices, who divided four-to-three.

A. QUESTIONS OF NATIONAL POWER

1. THE WAR POWER

Constitutionality of Wartime Price Control and Rationing. In a group of cases, the Court came to grips with the constitutionality and construction of the Emergency Price Control Act of 1942. The most important of these was Yakus v. United States,[1] involving a conviction in a federal district court in Massachusetts for a violation of the maximum prices fixed by the O.P.A. on the sale of wholesale cuts of beef. Yakus refused to obey the price regulation, declined to follow the procedure made available in the statute for protesting against it, and attempted in his criminal trial to challenge the validity of the price regulations and of the statute on which they rested. This he was not permitted to do. Speaking through Chief Justice Stone, the Court held the Emergency Price Control Act to be valid, not only in its substantive regulations, but also in the procedures set up for its enforcement. The Court's opinion dealt with four points. It first disposed of the charge that the statute unconstitutionally delegated legislative power to the administrator of the O.P.A. The crucial test is whether in delegating power to an administrative officer, Congress has clearly defined a legislative policy and has set up sufficiently clear standards to guide the administrator in the exercise of the discretion delegated to him. The Price Control Act meets this test. The policy of the act is declared to be the stabilizing of commodity prices so as to prevent wartime inflation and its resulting evils. In implementing this policy, the administrator is directed to establish prices which will be "fair and equitable," and in fixing them to give consideration, so far as practicable, to

[1] 321 U.S. 414, 1944.

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the prices prevailing between October 1 and October 15, 1941. In the opinion of the Court, the policy stated and the standards set up to guide administrative discretion are much more explicit than those which were held invalid in the National Industrial Recovery Act, and compare favorably with the provisions of a number of important statutes held valid by the Court, and in which Congress delegated broad powers to administrative officers.

The second point dealt with the unique procedural arrangements set up by the Price Control Act. A dissenting justice described this procedure as "streamlined," and its validity was sharply challenged. The procedure is as follows: Any person affected by any regulation or order of the administrator may file a protest with the administrator within sixty days. The administrator must either grant or deny the protest. If he denies it, the protestant may appeal within thirty days to a specially created Emergency Court of Appeals (a legislative court roughly similar to the Commerce Court of 1910), asking that the order be set aside. If the Emergency Court of Appeals agrees that the order should be set aside, it may issue an injunction. This injunction, however, does not become effective for thirty days, within which time the Supreme Court of the United States may issue *certiorari*. If it does, the injunction is further suspended until the Supreme Court reaches a final decision. This is the only procedure for attacking the validity of any price regulation or order. The statute explicitly states that the Emergency Court of Appeals shall have exclusive jurisdiction to determine the validity of any regulation or order, and that "no court, federal, state, or territorial, shall have jurisdiction or power to consider the validity of any such regulation, order "or price schedule, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this act or authorize the issuance of such regulations or orders . . . or to restrain or enjoin the enforcement of any such provision." In addition to this exclusive procedure for attacking the Price Control Act or its enforcement, the statute contains the usual criminal penalties for any willful violation of the act, and it was a criminal action which was brought in this case against Yakus. The first question with respect to the procedure just described was whether Congress intended to make it completely exclusive, and the Court decided that it did. Last year in the case of Lockerty v. Phillips,[2] the Court held that the Emergency Court of Appeals has exclusive equity jurisdiction in respect to the enforcement of the Price Control Act, and that, therefore, the district court of the District of Columbia could not validly enjoin the enforcement of a price control order. In the present case, the Court went further and held that in trying Yakus for the crime of violating the O.P.A. regulation, the district court was without jurisdiction to consider the validity of the order which Yakus refused to obey.

[2] 319 U.S. 182, 1943.

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This immediately raised the third point in the case, namely, whether this procedure denies due process of law. The Court decided that it does not. There are other familiar situations in which persons whose rights are affected by regulatory statutes are required to exhaust specified administrative procedures before being allowed to submit their cases to a court of law. The Interstate Commerce Act requires that many types of cases arising under the statute must be dealt with by the Interstate Commerce Commission before reaching a federal court. Furthermore, this "streamlined" procedure is indispensable to the efficient enforcement of the Price Control Act. The Court states this point as follows: "Inflation is accelerated and its consequences aggravated by price disparities not based on geographic or other relevant differentials. The harm resulting from delayed or unequal price controls is beyond repair. And one of the problems involved in the prevention of inflation by establishment of a nation-wide system of price control is the disorganization which would result if enforcement of price orders were delayed or sporadic or were unequal or conflicting in different parts of the country. These evils might well arise if regulations with respect to which there was full opportunity for administrative revision were to be made ineffective by injunction or stay of their enforcement in advance of such revision or of final determination of their validity." Not even the failure of the statute to permit the issuance of the temporary restraining order to one who has failed to resort to available administrative relief amounts to a denial of due process. "Our decisions leave no doubt that when justified by compelling public interest the legislature may authorize summary action subject to later judicial review of its validity."

Finally, the Court rejects the argument that the procedure set up under the Act is invalid because it splits the trial for violation of an administrative regulation by committing the decision of all questions regarding the validity of the regulation to one tribunal, while referring issues of guilt to the regular courts. There is no constitutional objection to this arrangement. The person involved is not denied his day in court for the purpose of attacking the validity of the order which he has disobeyed. It is not necessary that the factual issue of his violation of the law be decided simultaneously. The Court does, however, reserve judgment on the question whether a person being tried for a violation of an O.P.A. regulation might enter the defense that the regulation was unconstitutional on its face. It is clear, however, that if the regulation is not thus obviously invalid, it cannot be pleaded as a defense against prosecution.

Mr. Justice Roberts dissented strongly on the ground that the Emergency Price Control Act invalidly delegates legislative power to administrative officers. Mr. Justice Rutledge focused his dissent upon the procedural arrangements established by the statute. He urged that due process requires that a person be permitted to plead in his defense to a criminal

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prosecution the invalidity of the regulation he has violated. This statute makes no distinction between a price regulation alleged to be invalid on constitutional grounds and one which is invalid on other and lesser grounds. The procedure set up constitutes an invasion by Congress of the realm of judicial authority by denying to a court which has jurisdiction to decide a case the power to examine and apply the law which governs the case. The precedent might lead to legislative restrictions upon the power of judicial review.

The validity of the rent control sections of the Emergency Price Control Act came before the Court in Bowles v. Willingham.[3] In this case the owner of an apartment house sued in a state court to enjoin the issuance of a rent order by the O.P.A. The state court issued a temporary injunction, whereupon the administrator of the O.P.A. sued the federal district court to restrain the landlord from proceeding further with the case, and the sheriff from enforcing the state court's restraining order. The federal district court refused to issue the injunction on the ground that the rent order, as well as the Price Control Act, was invalid. The Court, speaking through Justice Douglas, held that the injunction should have been issued by the district court, and that the rent regulations and the statute authorizing them were valid. In the first place, Congress could validly give to the Emergency Court of Appeals created by the act exclusive jurisdiction over cases arising under the statute, and, consequently, it could validly prevent any state court from interfering with the administration of the act. Second, there is no invalid delegation of legislative powers to the administrative officers. The statute requires that the rents fixed shall be generally fair and equitable and designed to effectuate the purpose of the act. Furthermore, upon a protest by a landlord to the administrator, the officer is obliged to inform the landlord of the basis upon which the rent regulation was established. These are sufficiently clear standards to guide the discretion of the officers to whom the power is delegated. Third, the statute does not deny due process of law because it requires that the maximum rents to be fixed be "generally fair and equitable" rather than fair to each individual landlord. Such fixing of individual rents would have been wholly impossible if the war emergency was to be met. Price control may properly be applied to all members of a class and is not invalid merely because a member of that class suffers an economic loss not shared by others. Finally, due process does not require that landlords be given a hearing before the orders fixing rents become effective. The rents are fixed by an administrative agency, and the requirement of due process is met by the later opportunity for judicial review of the administrator's action.

In Steuart & Bro. Inc. v. Bowles,[4] the Court construed the sections of

[3] 321 U.S. 503, 1943. [4] 322 U.S. 398, 1944.

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the Second War Powers Act which authorize the rationing of materials or commodities to empower the President, through the O.P.A., to withhold rationed goods from those who have acquired or distributed them in violation of ration regulations. The fact that violations of rationing rules are punishable by fine and imprisonment, and may also be enjoined, does not prevent resort to the additional sanction of a suspension order cutting off the supply of goods. "It is for Congress to prescribe the penalties for the laws which it writes."

Free Speech and the Espionage Act. In Hartzel v. United States,[5] the Supreme Court set aside a conviction under the Espionage Act of 1917 on the ground that the evidence did not support a verdict of guilt. The case is in no way reminiscent of the manner in which such questions were dealt with during and after World War I and strikingly emphasizes the present Court's solicitude for the maximum protection of freedom of speech in wartime. Hartzel, a citizen and a veteran of the last war, is a financial analyst, auditor, and statistician. He is not known to be a member of any foreign or subversive organization. Prior to our entry into the war, he wrote several articles bitterly attacking the English, the Jews, and the President, and expressing a hope for German victory. In 1942, he wrote three articles describing our participation in the war as a betrayal of America, denouncing the English and the Jews, and attacking the integrity and patriotism of the President. He urged the abandonment of our allies, the conversion of the war into a race struggle, and called for the occupation of this country by foreign troops until we "are able to stand alone." He mimeographed and mailed anonymously about 600 of these to a selected list of prominent people and officers of well-known organizations. Some of these were sent to Army officers, and others fell into the hands of persons registered under the Selective Service Act of 1940. For circulating these articles, Hartzel was convicted of violating those clauses of the Espionage Act of 1917 which make it a crime to (a) "willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States," or (b) to "willfully obstruct the recruiting or enlistment service of the United States." In an opinion by Mr. Justice Murphy, the Court held that two major elements are necessary to constitute an offense under these clauses. The first is a specific intent or evil purpose, required by the use of the word "willfully." The second is the presence of a "clear and present danger that the activities in question will bring about the substantive evils which Congress has a right to prevent." A review of the record convinced the Court that there was no evidence "from which a jury could properly find beyond a reasonable doubt" that Hartzel had the specific intent necessary to spell out a willful violation of the statute. The Court did not consider

[5] 322 U.S. 680, 1944.

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the question whether the mailing of the pamphlets constituted a "clear and present danger" of military insubordination or obstruction of the draft. Mr. Justice Reed, joined by Justices Frankfurter, Douglas, and Jackson, dissented on the ground that there was enough evidence against Hartzel to justify the trial judge in allowing the case to go to the jury, and that to set aside the conviction is to usurp the functions of the jury.

Denaturalization of Citizens. In Schneiderman v. United States,[6] the Court held that in order to denaturalize a citizen the government must present evidence against him which is "clear, unequivocal, and convincing." A mere preponderance of evidence will not do. This strict rule was applied by a unanimous Court to set aside a denaturalization decree in Baumgartner v. United States.[7] Baumgartner, an electrical engineer about fifty years of age, was born and educated in Germany, served as a German officer in the last war, came to this country in 1927, and was naturalized in 1932. The substance of the charges against him was that, beginning in 1933, he enthusiastically praised Hitler and what he was doing for Germany, spoke contemptuously of democracy as compared with Nazism, declared that American democracy was a "political farce," and publicly stated that "he would be glad to live under the régime of Hitler." Later, he justified the German aggressions on the Continent, rejoiced at the fall of Dunkerque, gave expression to violent anti-semitism, belonged to the German-American Bund, and attended various meetings at which the German national anthem was sung and the Nazi salute given. He unquestionably made himself intensely unpopular in his community. In an opinion by Mr. Justice Frankfurter, the Court held that Baumgartner can validly be denaturalized only upon a convincing showing that he consciously withheld allegiance to the United States in the year 1932, and was, therefore, at that time, guilty of fraud in taking his oath of allegiance. The evidence, in the opinion of the Court, does not support such a conclusion. In 1932, he foreswore his allegiance to the Weimar Republic, not to Hitler, who had not yet come into power. His subsequent admiration for Hitler and Nazism is not inconsistent with an honest oath of allegiance to this country taken at an earlier date. "One of the prerogatives of American citizenship is the right to criticize public men and measures—and that means not only informed and responsible criticism but the freedom to speak foolishly and without moderation." The government failed to show that Baumgartner had cherished mental reservations when he swore allegiance to this country in 1932.

The Selective Service Act. In two cases, questions arose under the Selective Service Act. Falbo v. United States[8] held that in a criminal prosecution for violation of an order directing a registrant to report for service,

[6] 320 U.S. 118, 1943. See this REVIEW, Vol. 38, p. 273.
[7] 322 U.S. 665, 1944.
[8] 320 U.S. 549, 1943.

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the statute does not permit judicial review of the draft board's classification of the registrant. Falbo, a Jehovah's Witness, was classified by his draft board as a conscientious objector and was ordered to report for assignment to work of national importance. He willfully disobeyed this order on the ground that he was a "regular and duly ordained minister" and therefore exempt under the statute from all forms of national service. Upon being brought to trial, he insisted that the district court should permit a trial *de novo* on the merits of his claim of exemption, or at least review the correctness of the local board's ruling upon his classification. This the court refused to do, stating that "the board has the decision of whether this man is to be listed as he claims he should be." The Supreme Court, speaking through Mr. Justice Black, agreed with this ruling. It held that the order to report for induction was a necessary intermediate rather than the final step in inducting a man into the Army, that there is no constitutional requirement to provide for judicial intervention before final acceptance of an individual for national service, and that the Selective Service Act does not provide for this judicial review of the board's classification at this stage of the procedure. "The circumstances under which the Act was adopted lend no support to a view which would allow litigious interruption of the process of selection which Congress created." Mr. Justice Murphy dissented on the ground that "common sense and justice [and presumably due process of law] dictate that a citizen accused of crime should have the fullest hearing possible, plus the opportunity to present every reasonable defense."

In Billings v. Truesdell,[9] the Court, in an opinion by Mr. Justice Douglas, held that the Army does not have jurisdiction to try a selectee for refusal of service until his actual induction into the Army is completed. Billings, a conscientious objector, whose claim as such had been rejected by his draft board and the board of appeals, obeyed the order of his board to report to an induction center as required by law. Upon arrival there, he asserted his refusal to serve in the Army, demanded to be turned over to the civil authorities, and refused to take the oath of induction when it was read to him. The military authorities asserted that he was in the Army, was subject to military jurisdiction, and proceeded against him by court martial. The Court held that the Selective Service Act and the regulations implementing it do not support this interpretation. Refusal to submit to induction is a violation of the statute, not of a military order, and military jurisdiction accordingly does not attach. Furthermore, following the rule laid down in the Falbo case, reporting for induction was the last step necessary for Billings to exhaust his administrative remedies and thereby place himself in a position to challenge in the civil courts the legality of his classification. It would be strange indeed if, in pursuing this orderly procedure, he exposed himself to forcible induction.

[9] 321 U.S. 542, 1944.

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2. COMMERCE POWER

Insurance Business as Interstate Commerce. Probably the most far-reaching decision rendered in the 1943 term was that in United States v. South-Eastern Underwriters Association.[10] Four of the seven justices who sat in the case declined to follow the rule laid down in 1869 in Paul v. Virginia[11] that making contracts of insurance across state lines is not interstate commerce. They held, on the contrary, that interstate insurance business is interstate commerce, and is, furthermore, subject to the provisions of the Sherman Anti-Trust Act. The case arose on an indictment charging the defendant association, comprising nearly 200 private stock fire insurance companies and 27 individuals, with violating the Sherman Act. There is no doubt that the activities charged against the defendant association in fixing and maintaining arbitrary and non-competitive premium rates on fire insurance, and in enforcing monopolistic control by boycotts, intimidation, and other types of coercion comprised exactly the kind of conduct which the Sherman Act forbids for "trade or commerce" among the states. This raises squarely the two basic issues with which the opinion of Mr. Justice Black for the majority dealt. First, do fire insurance transactions carried on across state lines constitute "commerce among the several states" so as to make them subject to control by Congress under the Commerce Clause? The Court held that they do so, and supports that conclusion as follows. It is admitted that the insurance business in this country is gigantic, that its management is largely concentrated in relatively few large companies mainly in the East, and that it comprises "a continuous and indivisible stream of intercourse among the states composed of collections of premiums, payments of policy obligations, and the countless documents and communications which are essential to the negotiation and execution of policy contracts." In announcing, and later in following, the rule in Paul v. Virginia that "the business of insurance is not commerce," the Court's attention was focused on the attempts of insurance companies to escape state regulation on the ground that the business was interstate commerce and therefore beyond state reach. The rule rested on the proposition, which may be admitted, that a contract of insurance considered by itself does not constitute interstate commerce. It does not, however, follow that the insurance business as a whole does not comprise elements and transactions which are interstate commerce. "A nation-wide business is not deprived of its interstate character merely because it is built upon sales contracts which are local in nature." A review of the decisions makes it clear that "not only . . . may transactions be commerce though non-commercial; they may be commerce though illegal and sporadic, and though they do not utilize common carriers or concern the flow

[10] 322 U.S. 533, 1944. [11] 8 Wall, 168. 1869.

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of anything more tangible than electrons and information. . . . It would indeed be difficult now to hold that no activities of any insurance company can ever constitute interstate commerce so as to make it subject to such [federal] regulation." The precise line between state and federal power over commerce cannot be stated in abstract terms. However, the Court concludes: "No enterprise of any kind which conducts its activities across state lines has been held to be wholly beyond the regulatory power of Congress under the Commerce Clause. We cannot make an exception of the business of insurance."

The second issue considered by the Court is whether Congress intended in the Sherman Act "not to exercise its power over the interstate insurance trade." This view is without support in the language of the act. The scope and purpose of the act are very sweeping. It was argued that Congress, familiar with the rule of Paul v. Virginia, must have intended to exempt the insurance business from the operation of the Sherman Act. To this the Court replied: "We fail to find in the legislative history of the Act an expression of a clear and unequivocal desire of Congress to legislate only within that area previously declared by this Court to be within the federal power . . . We have been shown not one piece of reliable evidence that the Congress of 1890 intended to freeze the proscription of the Sherman Act within the mold of then current judicial decisions defining the Commerce power." It was urged upon the Court that to extend federal power to the insurance business would produce chaos by throwing into uncertainty the area of permissible state control, and by actually nullifying much desirable state regulation without putting anything in its place. This the Court declared was an exaggeration, and it asserted that state laws do not authorize the monopolistic and coercive activities charged in the indictment.

Dissenting opinions were filed by Chief Justice Stone and by Justices Frankfurter and Jackson. Each dissenting justice agreed that the business of insurance as now conducted has many attributes of interstate commerce and has such effects upon it as to make it subject to appropriate exercises of the commerce power. What is sharply denied is that Congress intended in passing the Sherman Act, or any other legislation, to exercise that power. The Court should not transfer the insurance business from state to federal control until Congress has clearly indicated a willingness to assume this responsibility by passing appropriate regulatory legislation.

In Polish National Alliance v. N.L.R.B.,[12] the Court held without dissent that the Alliance, a fraternal benefit society providing death, disability, and accident benefits to its members and their beneficiaries, was engaged in interstate commerce and was, therefore, subject to the provisions of the National Labor Relations Act. The Alliance engages in

[12] 322 U.S. 643, 1944.

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highly diversified activities in connection with, and in addition to, its insurance business, and these are of a nature to constitute or to affect interstate commerce.

3. THE BILL OF RIGHTS

Freedom of Religion and the Postal Power. In United States v. Ballard,[13] the Court upheld a conviction for using the mails to defraud against the claim that the prosecution violated the First Amendment by attacking religious beliefs and restricting the free exercise of religion. Ballard and others organized and promoted the "I Am" movement through the use of the mails. They represented themselves as divine messengers, asserted that they had supernatural powers to make well persons afflicted with diseases, injuries, or ailments, including those regarded by the medical profession as incurable, and stated that they had in fact cured hundreds of persons. They solicited money and membership in the "I Am" movement on the basis of these claims. The trial judge refused to submit to the jury the question of the truth or falsity of the religious beliefs of the defendants, and confined the issue of guilt to the single question whether they honestly and in good faith believed the statements they made. Upon this basis, they were found guilty. The Court held that the jury was properly instructed and that the First Amendment forbids measuring the guilt of the defendants by the truth or falsity of their religious beliefs or doctrines. They could, however, be punished for their fraudulent intentions as disclosed by the evidence in the record.

Protection Against Compulsory Self-Incrimination. A series of cases dealt with the constitutional right of the individual to protection against compulsory self-incrimination. Law enforcement officers had been much disturbed by the implications of the rule laid down last year in McNabb v. United States[14] that a defendant in a federal court cannot be convicted on the basis of a confession extracted from him while he was being illegally detained under aggravating circumstances before being arraigned as required by law. United States v. Mitchell[15] limits the sweep of that decision. Mitchell was arrested for housebreaking and larceny in the District of Columbia. Within a few minutes after arrest, he made an admittedly uncoerced confession upon which his later conviction rested. He was not, however, arraigned for eight days. The Court held that while this long detention before arraignment was illegal, it did not operate retroactively to vitiate a confession made earlier and not elicited by illegal official conduct.

In United States v. White,[16] the familiar rule of Hale v. Henkel[17] that

[13] 322 U.S. 78, 1944.
[14] 318 U.S. 332, 1943. See this REVIEW, Vol. 38, p. 272.
[15] 322 U.S. 65, 1944. [16] 322 U.S. 694, 1944. [17] 201 U.S. 43, 1906.

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a corporation cannot claim protection against self-incrimination, is extended to an unincorporated labor union and its officers as such. White, as the authorized custodian of the Union's records, refused to produce them when subpoenaed to do so. The constitutional protection against self-incrimination is a purely personal one. A union "represents organized institutional activity as contrasted with wholly individual activity," a fact unaltered by its lack of incorporation. To extend this important privilege to such groups would make effective state and federal law enforcement impossible in many cases. Since the papers called for were not White's private papers, he could not validly withhold them.

Feldman v. United States[18] held that in a criminal prosecution in a federal court it is permissible to admit testimony given by the accused in a civil proceeding in a state court under the protection of a state law granting immunity. This does not deprive him of the protection of the Fifth Amendment against compulsory self-incrimination, since the amendments to the Constitution protect only against the invasion of civil liberties by the federal government. This is the converse of the rule in United States v. Murdock[19] that a person may not refuse to give evidence in a federal court on the ground that it may incriminate him under state law. The operations of the federal government cannot be hampered or obstructed by restrictions arising out of state law.

4. THIRTEENTH AMENDMENT AND PEONAGE

In two cases the Court emphasized its unwillingness to permit any vestige of peonage to lurk behind any technicality of state or federal law. In Pollock v. Williams,[20] Pollock was convicted of violating a Florida statute which made it a misdemeanor to induce advances of money with intent to defraud by a promise to perform labor, and made the failure to perform the labor for which the money was obtained *prima facie* evidence of intent to defraud. He received an advance of $5.00, for which he did no work. He was arrested and brought before a county judge, pleaded guilty, and was fined $100, and in default was sentenced to sixty days in jail. He had no lawyer, did not know that he had a right to one, and did not understand the nature of the charge against him, but supposed that if he owed his employer money and quit his job without paying it he was guilty. These facts he admitted. The supreme court of Florida admitted that the *prima facie* evidence section of the statute was invalid under the decisions in Bailey v. Alabama[21] and Taylor v. Georgia,[22] but argued that this presumption section had not been brought into play because of the defendant's plea of guilty, and that the section denouncing the crime,

[18] 322 U.S. 487, 1944.
[19] 284 U.S. 141, 1931. See this REVIEW, Vol. 27, p. 47.
[20] 322 U.S. 4, 1944. [21] 219 U.S. 219, 1911. [22] 315 U.S. 25, 1942.

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standing by itself, is valid. The Supreme Court, speaking through Mr. Justice Jackson, set aside the conviction and held the statute void. "We cannot doubt that the presumption provision had a coercive effect in producing the plea of guilty. . . . Since the presumption was known to be unconstitutional and of no use in a contested case, the only explanation we can find for its persistent appearance in the statute is its extra-legal coercive effect in suppressing defenses." While the state may punish for fraud, "it must respect the constitutional and statutory command that it may not make a failure to labor in discharge of a debt any part of a crime. It may not directly or indirectly command involuntary servitude, even if it was voluntarily contracted for."

In United States v. Gaskin,[23] the Court construed the federal statute against peonage to sustain the conviction of one who forcibly arrested and detained another against his will with intent to compel him to perform labor in satisfaction of a debt, even though there was no showing that any labor was actually performed as a result of the arrest.

B. QUESTIONS OF STATE POWER

1. THE TEXAS WHITE PRIMARY CASE

In Smith v. Allwright[24] the Supreme Court, after hearing the case argued twice, reversed its decision in Grovey v. Townsend,[25] and held that Negroes cannot validly be denied the right to vote in Democratic primaries in Texas. This decision is the culmination of a long struggle against this peculiarly effective method of Negro disfranchisement. In 1923, the Texas legislature passed a law which provided that "in no event shall a Negro be eligible to participate in a Democratic party primary election held in the state of Texas, and should a Negro vote in a Democratic primary election, such ballot shall be void and election officials are herein directed to throw out such ballot, and not count the same." This was probably inspired by the Supreme Court's decision in 1921 in Newberry v. United States[26] that a primary election is not an election within the meaning of the Constitution. The statute, however, was held void in Nixon v. Herndon[27] as a flagrant denial of the equal protection of the laws. The Texas legislature thereupon replaced this statute with one which authorized the state executive committee of any political party to determine who could vote in its primary. The Democratic state committee promptly passed a rule excluding Negroes from the Democratic primary of 1928. The Supreme Court again held, in Nixon v. Condon,[28] that Negroes were

[23] 320 U.S. 527, 1943. [24] 321 U.S. 649, 1944.
[25] 295 U.S. 45, 1935. See this REVIEW, Vol. 30, p. 85.
[26] 256 U.S. 232, 1921.
[27] 273 U.S. 536, 1927. See this REVIEW, Vol. 22, p. 90.
[28] 286 U.S. 73, 1932. See this REVIEW, Vol. 27, p. 54.

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denied equal protection of the laws, since the discrimination under attack had been authorized by the state statute. The state legislature then repealed this statute without putting in its place any legislation governing the right to vote in primaries. The state Democratic convention thereupon adopted a resolution in 1932 declaring that all *white* citizens in the state were eligible to membership in the party and to vote in its primary. This time a unanimous Court held, in Grovey v. Townsend, that the exclusion of Negroes from the Democratic primary under this party rule did not violate the equal protection clause of the Fourteenth Amendment, since the racial discrimination involved was not the result, direct or indirect, of any state law or other official action. The Democratic party was declared to be a private, not a governmental body, and private persons or groups cannot violate the Fourteenth Amendment. The matter appeared to be settled. In 1941, however, a collateral attack was made on the basic doctrine of Grovey v. Townsend, in the case of United States v. Classic.[29] This case involved no question of racial discrimination, but, reversing the rule commonly attributed to the Newberry decision, it held squarely that a primary election is an essential and integral part of the election machinery of the state.

Steps were at once taken to re-open in the Supreme Court the issue settled in Grovey v. Townsend. This was done in Smith v. Allwright. Speaking for a majority of eight-to-one, Mr. Justice Reed observed: "The fusing by the Classic case of the primary and general elections into a single instrumentality for the choice of officers has a definite bearing on the permissibility under the Constitution of excluding Negroes from primaries." It appears that at many points parties and party primaries in Texas are regulated by state statutes. "We think that this statutory system for the selection of party nominees for inclusion on the general election ballot makes the party which is required to follow these legislative directions an agency of the state in so far as it determines the participants in a primary election. The party takes its character as a state agency from the duties imposed upon it by state statutes: the duties do not become matters of private law because they are performed by a political party. . . . If the state requires a certain electoral procedure, prescribes a general election ballot made up of party nominees so chosen, and limits the choice of the electorate in general elections for state offices, practically speaking, to those whose names appear on such a ballot, it endorses, adopts, and enforces the discrimination against Negroes, practiced by a party entrusted by Texas law with the determination of the qualifications of participants in the primary. This is state action within the meaning of the Fifteenth Amendment. . . . Grovey v. Townsend is overruled."

Mr. Justice Roberts, who wrote the Court's opinion in Grovey v.

[29] 313 U.S. 299, 1941. See this REVIEW, Vol. 36, p. 269.

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Townsend, dissented. He did not reargue at length the issue of the case, but entered a vigorous protest against the Court's reversal of its earlier opinion. He deplored the uncertainty which frequent reversals are injecting into our constitutional law, and declared that these reversals "bring the adjudications of this tribunal into the same class as a restricted railroad ticket, good for this day and train only."

2. RELIGIOUS LIBERTY AND DUE PROCESS OF LAW

Jehovah's Witnesses appeared in two cases. In Prince v. Massachusetts,[30] the Court divided five-to-four in holding that a state child labor law can validly prohibit the distribution and sale of religious literature by children on the streets. The Massachusetts statute forbids boys under twelve and girls under eighteen to sell newspapers or other merchandise on the streets, and punishes parents or guardians who permit children under their control to do so. In this case a nine-year-old girl, accompanied by her aunt, with whom she lived, distributed and offered for sale literature of the Jehovah's Witnesses in violation of this law. Speaking through Mr. Justice Rutledge, the majority of the Court held that a reasonable police regulation designed to protect the welfare of children must take precedence over the competing claims of religious freedom. In Follett v. McCormick,[31] a unanimous Court, following the doctrine of Murdock v. Pennsylvania,[32] which held invalid a flat license tax upon the privilege of selling religious literature, was adhered to, even though the facts showed that Follett, a Jehovah's Witness, earns his living in his home town by the sale of such literature. "Freedom of religion is not merely reserved for those with a long purse," and Follett's activities are classified as religious rather than commercial.

3. DUE PROCESS AND CRIMINAL PROCEDURE

In Lyons v. Oklahoma,[33] a conviction for murder rested substantially upon an oral confession which was admitted at the trial without objection by the defendant. This confession, however, was suspect because it followed a confession made earlier in the same day which was admittedly not voluntary since it had been elicited by thirty-six hours of uninterrupted questioning accompanied by violence and threats. The question presented to the Court was whether the coercion employed in securing the first confession so influenced the defendant as to make the second confession involuntary. The Court held that it did not do so as a matter of law, and that the trial judge was correct in submitting to the jury the question whether the second confession was in fact involuntary. In Ash-

[30] 321 U.S. 158, 1944. [31] 321 U.S. 573, 1944.
[32] 319 U.S. 113, 1943. See this REVIEW, Vol. 38, p. 278.
[33] 322 U.S. 596, 1944.

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craft v. Tennessee,[34] the Court held that it violated the defendant's constitutional rights to use in a trial for murder a confession elicited by thirty-six hours of continuous questioning under powerful electric lights, by relays of officers, experienced investigators, and highly-trained lawyers. Such an interrogation was held to be in the circumstances "inherently coercive."

4. FOURTEENTH AMENDMENT AND THE RIGHT TO HOLD STATE OFFICE

In Snowden v. Hughes,[35] the issue was presented whether any of the major clauses of the Fourteenth Amendment were violated by the act of state officers in unlawfully (under state law) refusing to place on the state ballot the name of a duly nominated candidate. The questions raised were not new, but the new setting in which they arose lends interest to the Court's reaffirmation of earlier doctrine. The facts were as follows. Snowden, a Negro, was a candidate in the Republican primary in April, 1940, for the office of representative in the Illinois General Assembly. As authorized by state statute, the Republican and Democratic committees in the district in question determined that two candidates for representative should be nominated on the Republican ticket and one on the Democratic ticket. Since only three representatives were to be chosen, election at the primary amounted to election to the office of representative. The results of the primary, as reported by the county canvassing board, showed that another Republican stood first, and Snowden second, in the Republican primary. Both men should have been nominated. The state primary convassing board, however, issued an official proclamation which designated only one nominee from the district on the Republican ticket and thereby excluded Snowden. Snowden sued Hughes and the other members of the state board for $50,000 damages, alleging the denial of rights, privileges, and immunities secured to him as a citizen of the United States, and also denial of equal protection of the laws and due process of law.

The Supreme Court, in an opinion by Chief Justice Stone, rejected Snowden's contentions. Referring to the doctrine of the Slaughterhouse Cases,[36] many times reaffirmed, the Court pointed out that the right to hold state office is a right of state citizenship, not federal citizenship, and the denial of it does not, therefore, abridge the privileges and immunities of United States citizens in violation of the Fourteenth Amendment. Nor is the denial of the right to hold state office a denial of either the liberty or the property protected by the due process clause of the Fourteenth Amendment. Snowden did not allege racial discrimination nor present any evidence of it. The Court accordingly found no basis on which to hold

[34] 322 U.S. 143, 1944. [35] 321 U.S. 1, 1944. [36] 16 Wall. 36, 1873.

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that he had been denied the equal protection of the laws. The record disclosed no showing of wilful or malicious discrimination, and the Court felt unable to assume such discrimination. Snowden's rights under Illinois law may have been, and doubtless were denied, but "mere violation of a state statute does not infringe the federal Constitution. And state action, even though illegal under state law, can be no more and no less constitutional under the Fourteenth Amendment than if it were sanctioned by the state legislature."

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AMERICAN GOVERNMENT AND POLITICS

THE STATE DEPARTMENT CONTINUES ITS REORGANIZATION

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In two recent articles in this *Review*,[2] the writers examined in some detail the January 15, 1944, reorganization of the Department of State, and discussed the problem of organizing our national government for effective participation in world affairs. The purpose of the present article is to point out the main effects of the further reorganization of the Department announced on December 20, 1944, by Secretary Stettinius.

At the outset, it should be repeated that it would be difficult to overemphasize the importance of these reorganizations for the conduct of our foreign affairs. For in spite of the importance of international organization to world order, we should never forget that the smooth functioning of the international machinery we set up and the success of the peace we establish will depend in large measure upon how effectively the various states organize their national governments to carry on the complicated relations of the international community.

During the past year, the Department concentrated its attention on putting into effect the reorganization of January 15, 1944. Committees for the consideration of top policy questions were set up. Departmental functions were regrouped and consolidated. Considerable attention was given to the problem of internal liaison and the procedures for the routing and clearance of papers. Relations with other agencies were improved, both at home and abroad, and some headway was made in respect to the difficult problems centering about the Foreign Service. Finally, some effort was made to bring into the Department the trained personnel needed for the job.

Following the resignation of Secretary Hull on November 21, 1944, Mr. Stettinius moved with characteristic energy and speed to expand and develop the reorganization plan of January 15. On November 30, his

[1] Mr. Laves is now on leave for government service as Administrative Consultant on International Affairs with the U. S. Bureau of the Budget. Mr. Wilcox is serving as Lieutenant (j.g.) in the U. S. Naval Reserve. Opinions expressed in this article are not to be construed as reflecting the views of the Bureau of the Budget or of the Navy Department.

[2] W. H. C. Laves and F. O. Wilcox, "The Reorganization of the State Department," April, 1944; "Organizing the Government for Participation in World Affairs," Oct., 1944. For a discussion of the basic issues involved, the reader is referred to these articles.

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nomination as Secretary of State was approved by the Senate. On December 8, the President's request to add two new Assistant Secretaries to the Department was finally approved by the Congress. Authority to add these posts, which had been asked for as early as February 29, 1944, was necessary in order to make possible the further reorganization which the new Secretary had in mind.

Meanwhile, on December 4, the President sent to the Senate for confirmation the names of Joseph C. Grew for Under-Secretary of State, William L. Clayton for Assistant Secretary in charge of foreign economic matters, Archibald MacLeish for Assistant Secretary in charge of public and cultural relations, and Nelson A. Rockefeller for Assistant Secretary in charge of relations with the other American Republics. On December 8, two additional nominations came from the White House—those of James C. Dunn for Assistant Secretary in charge of European, Far Eastern, Near Eastern, and African Affairs, and of Brigadier-General Julius C. Holmes, for Assistant Secretary in charge of departmental administration. These appointments indicated in broad lines the nature of the further reorganization to be made, although the details did not come out until later.

On December 19, the Senate approved the President's list of nominees, and shortly afterwards, on December 20, the second reorganization plan was released to the press.[3] In essence, the new plan represents no radical departure from the pattern established in January, 1944; it is, rather, an extension of that first reorganization.

I. TOP POLICY FORMULATION

It may be useful first to look at the major changes which have taken place around the Secretary's own office. Of particular interest at this top level is the fact that the committee machinery for the handling of high policy questions has been geared to act more speedily and more effectively. The old Policy Committee and the Committee on Post-War Programs have been replaced by the Secretary's Staff Committee and the Coördinating Committee. The Secretary's Staff Committee is, in effect, Mr. Stettinius' new team. Made up of Mr. Stettinius, Mr. Grew, the five Assistant Secretaries, Mr. Green Hackworth, legal adviser, and Leo Pasvolsky, special assistant to the Secretary for international organization and security affairs, this Committee is to "advise and otherwise assist the Secretary in determining current and long-range foreign policy." It will meet on call and will be available for instant consultation with the Secretary on the various activities and interests of the Department.

The Coördinating Committee, on the other hand, is made up of the

[3] See the text of Departmental Order 1301 in *The Department of State Bulletin*, XI, No. 286A (Dec. 17, 1944, Supplement).

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Under-Secretary, the twelve Office Directors, and the Special Assistant to the Secretary for Press Relations. Working at a lower level in the departmental hierarchy, the Coördinating Committee will consider matters of policy or action and questions of inter-office relations. It should prove particularly helpful in securing action on important matters, and in acting as a kind of board of review to give prior consideration to problems on the agenda of the Secretary's Staff Committee.

This new committee set-up would seem to be an improvement over the old in at least two respects. In the first place, the jurisdictional conflict which was looming between the Policy Committee and the Committee on Post-War Programs has been forestalled. For in place of the old distinction between present and post-war policy, we now have a distinction based on the staff level of the members making up the two committees. This would seem a more logical arrangement, inasmuch as it is increasingly difficult to draw a line between present-day policy matters and post-war planning as the end of the war draws near. In the second place, the new committees—in particular the Secretary's Staff Committee—are considerably smaller than the old Policy Committee and the Committee on Post-War Programs; and this should help speed up the discussion of policy questions and expedite the work of the committees.

Potentially, the most important innovation at the top level, however, is the Joint Secretariat provided for in the reorganization plan in order to service both the Secretary's Staff Committee and the Coördinating Committee. Committee work in the government has often proved unsuccessful because of a lack of adequate preparation for committee meetings and because of ineffective follow-up work to implement the decisions reached. This Joint Secretariat will presumably avert such difficulties by serving as a kind of Departmental steering committee and a needling agency as well. Its main duty will be to make certain that policy problems arising anywhere in the Department, together with the memoranda and documentation necessary to understand them, are placed before the appropriate intra- or inter-departmental committees for consideration and approval. It may call upon various divisions and offices to develop recommendations on policy for committee use, and then make sure that the actions recommended by the committees are duly followed up with the officers concerned. It will prepare the agenda for meetings, keep the minutes, and perform such other duties as the successful functioning of the committees may require. Moreover, it is charged with responsibility for coördinating the work of all the committee secretariats in the Department, including the inter-departmental committees, in order to insure the integration of the Department's policy-making function.

As an administrative device for departmental or government-wide coördination, the Joint Secretariat will bear watching in the future. The

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State Department, like the government itself, has grown so large that it is often difficult for its right hand to know what its left hand is doing at any given time. More than fifty separate divisions and dozens of intra-departmental and inter-agency committees are involved in policy-making, and it is imperative that some office such as the Joint Secretariat have an integrated picture of what is going on. Like the combat information center of the modern battleship, the Joint Secretariat may well become the nerve center of the State Department. In similar fashion, the day may not be far off when a Secretariat of this kind will have to be considered as a means of coördinating the work of the various government agencies.

II. CHANGES AT THE ASSISTANT SECRETARY LEVEL

With the appointment of five new Assistant Secretaries, and the reappointment of Mr. Acheson, the way was paved for a considerable reshuffling of Departmental activities at the Assistant Secretary level. It may be well at this point, therefore, to outline briefly the major responsibilities assigned to the new Assistant Secretaries in the reorganization plan.

1. *Economic Affairs.* Most significant of these changes is the consolidation of the economic functions of the Department under one Assistant Secretary (Mr. Clayton). As the writers pointed out in a previous article, prior to 1944 the responsibility for the handling of economic affairs was divided among no fewer than seven ranking officials in the Department. While the reorganization of January 15, 1944, improved the situation considerably, there remained a division of authority between general economic affairs (then under Mr. Acheson) and transportation and communication affairs (under Mr. Berle). Moreover, there was a distinction between wartime and longer-run economic affairs, both under Mr. Acheson, which was bound to become untenable as the end of the war came in sight.

Both these weaknesses have now been taken care of.[4] The Offices of Wartime Economic Policy and Economic Affairs have been merged and in their places appear two new ones—the Office of International Trade Policy and the Office of Financial and Development Policy, which, with the Office of Transportation and Communications, constitute the three offices under Mr. Clayton. In the future, these offices, with their subordinate divisions, will be responsible for the initiation, formulation, and coördination of policy and action in the Department in respect to such matters as international aviation, shipping and telecommunications, petroleum and other commodities, the purchase of strategic materials abroad, liberated areas problems, the blacklisting of enemy firms, international labor, health and social affairs, economic blockades, financial and mone-

[4] See Departmental Order 1306, issued Jan. 26, 1945, "Reorganization of the Economic Offices." Also Departmental Order 1312, dated Mar. 9, 1945.

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tary affairs, world trade intelligence, trade agreements, development problems, and other long-range commercial policy questions.

2. *Geographic Offices.* Another result of the reorganization is to bestow new status in the Department heirarchy on the geographic or area offices. Formerly under Office Directors who reported directly to the Under-Secretary, these Offices are now under the jurisdiction of two of the new Assistant Secretaries. Mr. Dunn directs the activities of the Office of European Affairs, the Office of Far Eastern Affairs, and the Office of Near Eastern and African Affairs, while Mr. Rockefeller is in charge of American Republic Affairs.

As in the case of the January 15 reorganization, the intent of the December 20 reorganization in respect to the rôle of the geographic desks is clear. They will serve as strong focal points in the Department for the formulation of policy and action in respect to the particular countries with which they are concerned. Some jurisdictional difficulties may arise in practice, however, inasmuch as the Assistant Secretary for Economic Affairs and the Assistant Secretary for Public and Cultural Relations are given similar responsibilites in their respective functional fields. Where, then, will the major responsibility lie for the development, let us say, of United States policy on economic development in China? Or the formulation of American policy on the exchange of students with European countries?

This possible overlapping of jurisdiction will no doubt be ironed out in practice. Meantime, it is clear that the geographic offices and the special functional offices must work closely together in mapping out the broad policy lines of such problems as those mentioned.

Probably the most significant change in the geographic office is the assignment of inter-American affairs to a separate Assistant Secretary. This seeming favoritism in appointing an Assistant Secretary who will be able to devote full time to inter-American affairs is recognition of the importance of maintaining close relations with the other American Republics in the political, cultural, and economic fields. Partly because of this prestige factor, and partly because of Mr. Rockefeller's effective work as Coördinator of Inter-American Affairs, his appointment was well received in most Latin American capitals.

3. *Public and Cultural Relations.* The assignment of public and cultural relations to a separate Assistant Secretary also gives new status to that area of our government's activities. Formerly tied in with the Department's administrative offices, the Office of Public Affairs now has its own spokesman at the top level and will be in a much better position to accomplish its double-barreled objective of furthering the interchange of scientific and cultural knowledge with other countries and keeping in close touch with our people on the course of American foreign relations. Among

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other things, Mr. MacLeish will handle the policy aspects of our government's overseas information program, and will be responsible for "problems of freedom of information among peoples." His responsibilities, in general, are substantially the same as those given to the Office of Public Information under the January reorganization.

This increased recognition of its responsibilities in the information field is one of the most promising developments in the Department of State. As Secretary Stettinius pointed out on December 10, 1944: "The new problems involved in making a secure peace require that much fuller information about United States foreign policy should be made available through the established press, radio, and other media both to the people of this country and the people of other countries. I also believe that further advances in the coöperative exchange of scientific, technical, and professional knowledge among all peoples and the promotion of freedom of information throughout the world are of equal importance for the same reason."

4. *Congressional Relations and International Conferences.* Mr. Acheson remains in the Department as the only Assistant Secretary carrying over from Mr. Hull's régime. His responsibility lies in two areas,—congressional relations and international conferences. In respect to the former, Mr. Acheson is responsible for liaison with Congress on all matters concerning the Department with the exception of fiscal and general administrative problems. It will be his duty to keep Congress informed on all developments in our foreign affairs and to maintain close working relations between the Department, the Foreign Relations Committee of the Senate, and other congressional committees. As our country enters an era when executive-legislative harmony in the United States may provide the key to world peace, no one can doubt the importance of this assignment.

Given the increased activity which we may anticipate in connection with international conferences on world security, communications, shipping, labor, civil aviation, relief and rehabilitation, commercial policy, finance, and a host of related questions, Mr. Acheson's second responsibility looms equally important. The exact nature of this responsibility has not yet been determined, but it is likely to bear importantly upon the organization of United States participation in international conference work. How can the United States delegations to conferences, for example, be organized so as to assure the most effective participation of our government in the deliberations? What should be the working relationship between the State Department and other interested departments of the government in respect to the conferences? Which agency should assume the major responsibility for the preparatory work for a given conference?

5. *Administration.* Mr. Holmes inherits the administrative headaches of the Department, together with the administration of the Foreign

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Service. These housekeeping activities, which grow in importance as the Department grows in size, include budget and finance problems, personnel, communications, procurement of supplies, records and files, space problems, and the coördination and review of correspondence. Under the December 20 reorganization, Mr. Holmes also takes over the Office of Controls (including the Passport and Visa Divisions) formerly under Mr. Berle, and will relinquish the Office of Public Affairs to Mr. MacLeish. This reshuffling of functions makes sense administratively since it gives new status to the public affairs function and at the same time brings together under one Assistant Secretary the administrative activities of the Department.

Of particular interest to students of administration is the fact that the Division of Management Planning (replacing the Division of Administrative Management) provided for in the reorganization of January 15, has had its hand strengthened so as to enable it to work more effectively with the Secretary of State and other high officers in the effective management of the Department. If the Division of Management Planning and the Joint Secretariat are put into full operation, there should be ample machinery to coördinate the activities of the various divisions and offices, bring about a marked improvement in relations with other agencies, and in general provide for the smooth functioning of the Department as an administrative mechanism.

6. *International Organization and Security Affairs.* To Leo Pasvolsky, Special Assistant to the Secretary in charge of international organization and security, goes the job of handling policies and problems concerning the maintenance of peace and security through organized action. Mr. Pasvolsky, who launched this program a few years ago with a small research staff, now has in effect the status of an Assistant Secretary. In addition to his rôle as Special Assistant to the Secretary, he will supervise the activities of the Office of Special Political Affairs formerly under Mr. Dunn.

Prior to the January 15 reorganization, the work of this Office was organized on a study basis, and as such was fairly well removed from the day-to-day operations of the Department. During the past year, however, it has rapidly become a more vital part of the Department's working mechanism. According to the recent reorganization plan, the Office will be arranged in four divisions instead of two. The Division of International Organization Affairs is responsible for the formulation and coördination of policy and action in all matters regarding the establishment of the proposed United Nations Organization and our relations with it, together with all matters regarding the relations between the proposed organization and other specialized or regional organizations. The Division of International Security Affairs will handle problems that arise in connection

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with the security phases of the United Nations Organization, as well as relevant security aspects of United States foreign policy generally. A third division is responsible for policy affecting dependent areas; and a fourth, dealing with territorial studies, will appraise developments in foreign countries that bear upon United States policies, including post-war settlements which may be of interest to the United States. Indications are that the long-range planning being done by this Office is already bearing fruit. With the time rapidly approaching for the establishment of the United Nations Organization and the Permanent Court, and post-war settlements in general, the work of the Office should become even more important than in the past.

7. *Legal Affairs.* Mr. Green Hackworth will continue in his rôle of Legal Adviser, in charge of the Department's legal affairs. Like Mr. Pasvolsky, Mr. Hackworth is not officially listed as an Assistant Secretary, but is described in the reorganization plan as an "officer of equivalent rank," and will be a member of the Secretary's Staff Committee and the Coördinating Committee.

III. CONCLUSION

The two major organizational orders of January 15 and December 20, 1944, have provided the State Department with a sound administrative pattern for conducting our foreign relations. What remains is to put this reorganization into effect; and this will require persistent and painstaking efforts to insure the actual implementation of the Secretary's intentions. Many organizational as well as personnel shifts will no doubt still be necessary.

However, three important organizational problems still need to be worked out under the leadership of the Secretary to complete the revamping of our foreign relations machinery.

(1) The United States Foreign Service requires careful examination in terms of its adequacy to perform the highly complex jobs of modern international relations. A joint survey group has already done an extraordinary amount of good work along these lines in studying the problems of recruitment, qualifications, assignment and reporting procedures—work which will be invaluable to the new Assistant Secretary in charge of administration.

(2) Continuing attention will need to be given the complex problem of inter-agency relations resulting from the fact that domestic and international affairs are now so completely interdependent that the resources of all agencies of the government must be mobilized for the conduct of our foreign relations. This problem is clearly recognized in the functions given the Joint Secretariat, as well as in other specific arrangements for liaison relations under the latest reorganization.

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(3) As we face a post-war world of many international organizations, the task of gearing the United States governmental structure to them looms ever larger. For this the Department has equipped itself also, through the establishment of the Office of Special Political Affairs, concerned with problems of international organization.

With a streamlined State Department, with a modernized United States Foreign Service, with all the agencies of government mobilized behind the Department of State, and with clarified operating relationships between this government and the agencies of international coöperation, the United States will be well on its way administratively toward effective participation in world affairs.

THE SECOND SESSION OF THE SEVENTY-EIGHTH CONGRESS

(January 10–December 19, 1944)

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The Administration's legislative program for 1944 was presented to Congress in the 1945 budget message and the state of the Union message. Subsequently, drafted bills from heads of departments, administrative agencies, and even the chief executive, were submitted for Congressional approval. But they either embodied or supplemented proposals contained in one of the two messages, or were of an incidental nature.

The state of the Union message[1] set forth a five-point program, recommending that Congress adopt: (1) a realistic tax law,[2] (2) a continuation of the law for the renegotiation of war contracts, (3) a cost-of-food law, (4) an early reënactment of the stabilization statute of October, 1942, and (5) a national service law. Having listed these proposals, the President concluded: "These five measures together form a just and equitable whole. I would not recommend a national service law unless the other laws were passed to keep down the cost of living, to share equitably the burdens of taxation, to hold the stabilization line, and to prevent undue profits."

The budget message recommended that the United States make its proportionate contribution to the United Nations Relief and Rehabilitation Administration;[3] enumerated estimates of expenditures and appropria-

[1] H. Doc. 377, 78th Cong.

[2] The President told Congress, which had a tax bill (H.R. 3687) under consideration at that very time (carried over from the first session), that "the tax bill now under consideration by the Congress does not begin to meet this test." (H. Doc. 377, 78th Cong., p. 4). The bill was finally vetoed, but was enacted over the veto.

[3] A special message on the subject was sent to Congress on November 1, 1943 (H. Doc. 355, 78th Cong.). While the President finally got the bill he asked for,

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tions for the war program; and proposed legislation on war-time readjustments and preparation for peace—as contract termination, disposal of surplus property, industrial reconversion, manpower demobilization and reëmployment, public works planning, veterans' legislation and social security, international problems of readjustment, the farm and food programs, the need for additional taxes,[4] and the public debt.[5]

Congress took the whole program into consideration half-heartedly, moving very slowly; and while some action was finally taken on most of the proposals, only very few of them were enacted to the letter as requested by the President. Proportionately speaking, the President was more successful with the recommendations in his budget message than with those in his state of the Union message.

Congress approved the continuation of the law for the renegotiation of war contracts in almost the identical form requested. The stabilization statute of October, 1942, was extended with a few minor restrictions and reservations. But Congress refused a "realistic" tax law, a cost-of-food law, and a national service act. When the President vetoed the tax bill handed him by Congress, the Senate floor leader, Alben Barkley, challenged him in the Senate on February 23, concluding his remarks in this fashion: "Mr. President, let me say . . . that if the Congress of the United States has any self-respect yet left, it will override the veto of the President and enact this tax bill into law, his objections to the contrary notwithstanding."[6]

The cost-of-food law as desired by the Administration was not enacted; on the contrary, Congress attempted to write a law that would have repudiated the program, as embodied in the bill (H. R. 3477) to extend the life of the Commodity Credit Corporation until June 30, 1945, and to outlaw consumer subsidies. The President vetoed the measure and Congress was unable to override it, whereupon, in the absence of any negative legislation, the Administration continued with its consumer subsidy program to keep food prices down.[7]

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the House reversed its vote on an amendment providing that all appropriations for the U.N.R.R.A. be placed at the disposal of the State Department, instead of the President.

[4] This was likewise recommended in the state of the Union message.

[5] See H. Doc. 426, 78th Cong.

[6] *Cong. Rec.*, 78th Cong., 2nd Sess., pp. 1981–1983 (hereafter cited as *C. R.* 78–2).

[7] See H. Doc. 441, 78th Cong. In the veto message, the President said that the bill "by its restrictive provisions would compel an increase in the cost of food and the cost of living to the people of the United States. . . . . The reasons for my disapproval of H.R. 3477—my most emphatic and vigorous disapproval—must already be known to every Senator and every Representative. The issue of using Government funds to hold down the cost of living is not a new issue and my views on it have been expressed before and at some length, particularly in my message vetoing a similar bill (H.R. 2869) on July 2, 1943."

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Committee hearings were held on a bill to provide national service legislation, but no action was taken on it. The chairman of the Senate Military Affairs Committee announced to the press at the beginning of the hearings that his committee would not report out any such bill.

In the case of the recommendations in the budget message, a law was passed to permit "a proportionate contribution" by the United States to the United Nations Relief and Rehabilitation Administration,[8] in the form requested by the Administration. Congress went nearly all the way with the President in giving funds to carry on the war, enacting some sixteen general appropriation bills.

The House and Senate were slow to take action on demobilization and reconversion legislation; committees held prolonged hearings on the various subjects, particularly on the general subject of post-war planning, but final action on most of these measures was delayed until fall, and most of the legislation was not enacted exactly in the form desired, although acceptable. Some proposals, as problems of international readjustment, were never given serious consideration. Congress did approve bills, which finally became law, on contract termination,[9] disposal of surplus properties,[10] war demobilization and reconversion,[11] post-war highway and public works planning,[12] renegotiation of contracts,[13] mustering-out-pay,[14] pay readjustment act,[15] G. I. Bill of Rights,[16] 1943 revenue bill,[17] debt limit,[18] and food program (Commodity Credit Corporation).[19]

Organization. The political complexion of the session was somewhat different from that of the previous one. Resignations and deaths of Representatives necessitated a number of special elections during the year, with the Republicans continually picking up additional seats. By June 14, the number of Democrats was diminished to 216, that of Republicans was increased to 212, while third parties retained 4. By the end of the session, the Democrats did not have a majority. The Republicans never made an attempt to reorganize the House; but in the later part of the session the Democrats were compelled to consult the Republican leadership before taking legislative action.

Continuity in the leadership was not affected; any differences in party control were caused only by the decreased numerical strength of the majority party. The chairmanship of five standing committees of the Senate and four of the House were changed during the session.

Procedure: General Aspects. The session ran from January 10, 1944, through December 19, both houses having adjourned for long periods

[8] H. J. Res. 192; P. L. 267. [9] S. 1718; P. L. 395.
[10] H. R. 5125; P. L. 457. [11] S. 2051; P. L. 458.
[12] S. 2105; P. L. 521 and S. 2051; P. L. 458. [13] H. R. 3687; P. L. 235.
[14] S. 1543; P. L. 225. [15] H. R. 1506; P. L. 421.
[16] S. 1767; P. L. 346. [17] H. R. 3687; P. L. 235.
[18] H. R. 4464; P. L. 333. [19] S. J. Res. 116; P. L. 240.

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(summer recess and general election) on two occasions.[20] The Senate and House were in session 137 and 164 days, respectively. The proceedings printed out 9,940 pages of the *Record* as compared with 11,116, and 10,000 pages, respectively, for the first session of the Seventy-eighth and second session of the Seventy-seventh Congresses. Of the 9,940 pages, the House proceedings accounted for 5,400, and the Senate proceedings for 4,500.[21]

The following table gives categorically, for the last two Congresses (January 3, 1941–December 19, 1944), the number of bills debated by each chamber for three or more printed pages each of the *Record:*

TABLE I

Pages Debated	77TH CONGRESS				78TH CONGRESS			
	FIRST SESSION		SECOND SESSION		FIRST SESSION		SECOND SESSION	
	House	*Senate*	*House*	*Senate*	*House*	*Senate*	*House*	*Senate*
3– 5	7	10	20	13	10	10	9	4
5– 10	20	14	26	16	16	13	12	15
10– 15	24	9	10	5	24	11	12	4
15– 20	9	7	13	2	7	5	10	3
20– 25	15	7	5	5	3	5	10	1
25– 30	9	5	6	5	8	3	2	2
30– 35	8	2	3	1	3	2	4	0
35– 40	3	2	4	0	5	0	1	2
40– 45	1	2	3	1	1	1	1	1
45– 50	3	1	1	0	1	1	5	1
50– 60	2	0	5	4	5	5	5	1
60– 70	1	2	1	2	4	1	3	2
70– 80	5	1	0	1	3	1	4	1
80– 90	0	0	1	0	1	0	1	0
90–100	1	0	1	1	2	1	0	2
100–125	3	1	0	3	4	6	3	2
125–150	1	1	2	1	2	0	0	1
150–175	2	0	0	3	1	1	1	1
175–200	1	1	1	0	0	0	1	1
200–300	1	0	0	0	1	2	2	3
300–400	0	1	0	0	0	0	0	0
400–500	0	0	0	0	0	0	0	0
500–600	0	1	0	0	0	0	0	0
Totals	116	67	102	63	101	68	86	47

The above data are significant in the estimate of the actual legislative

[20] The two recesses extended from June 23 to August 1, and from September 21 to November 14.

[21] Speeches and materials never presented but incorporated in the *Record* under the privilege of "leave to print" involved some 5,282 pages, more than one-half as much as the entire proceedings of both houses.

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activity of the two chambers. (1) They show that in each of the last four sessions of Congress, fewer and fewer bills have been debated by either house long enough to involve three or more printed pages. (2) They show also that of the 931 bills and resolutions passed by the Senate during the session here reviewed, only 47 were controversial; the other 884 were presented with little or no discussion of their contents, and passed by a voice vote or "without objections." Of the 953 bills and resolutions passed by the House, only 86 stirred any real discussion. The other 867 were called up, read by the clerk, and passed by a voice vote or "without objections." (3) Likewise, the figures show that of the 5,400 pages of the *Record* devoted to House proceedings, only 3,089 were utilized for the debate of legislative measures.[22] The other 2,311 were consumed by miscellaneous remarks, texts of bills, and the like. Similarly, of the 4,500 pages of the *Record* devoted to Senate proceedings, only 2,284 were utilized for the debate of legislative measures. (4) The measure debated at greatest length in the Senate was the Soldier Ballot Bill (S. 1612), discussion of which ran for ten days and filled 245 pages of the *Record*. The extension of the Price Control Act (S. 1764–H. R. 4941) was the measure discussed at greatest length by both bodies, the House debate filling 236 pages of the *Record*.

Senate Procedure. The number of measures acted on by the Senate was greater than in the previous year, 931 bills and resolutions having been passed as contrasted with 702 in the first session of the 78th Congress. Very little consideration, however, was given to 884 of them. Senators were not particularly active in debate, with a few exceptions; on less than half a dozen bills were the leaders prompted to limit the time for debate by the use of unanimous consent agreements. During most of the session, the proceedings of the Senate were monotonously dull.

The most sensational event was the break between Senator Barkley, majority floor leader, and the President over the veto message on the 1943 Revenue Bill (H. R. 3687). The President had been urged by both Senator Barkley and Speaker Rayburn not to veto the bill; and the responsible members of Congress were disturbed because the President took it upon himself to veto a tax bill, for the first time in history, and without even holding an official consultation either with the chairman of the Ways and Means Committee (Representative Doughton) or the chairman of the Finance Committee (Senator George). The message itself, according to the top Representatives and Senators of both parties, reflected unfairly on Congress.[23]

[22] This figure is not exact, but subject to only very small error.

[23] See H. Doc. 443, 78th Cong. In vetoing the measure, the President declared: "It is not a tax bill but a tax-relief bill providing relief not for the needy but for the greedy." He continued: "The nation will readily understand that it is not the fault

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On February 22, the President sent the veto message to the House. On the following day, shortly after the Senate convened, Mr. Barkley rose unexpectedly and stated: "Mr. President, on yesterday the President of the United States sent to the House of Representatives, and indirectly to the Senate, a message vetoing the tax bill recently passed by both Houses of the Congress after six or eight months of deliberation upon it. I should have preferred to discuss this veto message on a proposal to pass the bill over the President's objections, but not knowing what action the House will take, and therefore not knowing whether the Senate will be given an opportunity to vote upon the veto, I have decided to discuss it now."[24] The attack, he said, "is a calculated and deliberate assault upon the legislative integrity of every member of Congress. Other members of Congress may do as they please; but, as for me, I do not propose to take this unjustifiable assault lying down."[25]

Referring to the section of the message in which the President blamed Congress for the complexity of the tax laws, Mr. Barkley stated: "Mr. President, no man could have made that extraordinary statement who has sat in tax committees in the Capitol of the United States. If it was made by anybody who ever sat in a tax committee, it was a deliberate and unjustified misstatement in order to place upon Congress the blame for universal dissatisfaction with tax complexities, and in order to produce the illusion that the executive departments have in vain protested against this complexity. Congress is to blame for these complexities to the extent, and only to the extent, to which it has accepted the advice, the recommendations, and the language of the Treasury Department, through its so-called experts who have sat in on the passage of every tax measure since I can remember."[26] He concluded his remarks by saying: "I thank Heaven that my future happiness does not depend upon whether I shall retain the post of majority leader of the Senate for another hour. As proof of that, Mr. President, and in confirmation of this statement, I have called a conference of the Democratic majority for 10:30 o'clock tomorrow morning in the conference room of the Senate Office Building, at which time my resignation will be tendered and my service terminated in the post which I now hold at this desk."[27]

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of the Treasury Department that the income taxpayers are flooded with forms to fill out which are so complex that even certified public accountants cannot interpret them. No, it is squarely the fault of the Congress of the United States in using language in drafting the law which not even a dictionary or a thesaurus can make clear."

[24] *C. R.*, 78-2, pp. 1981–1983.

[25] *C. R.*, 78-2, p. 1983.

[26] *Ibid.*, p. 1982.

[27] Reflecting on the President, he said: "I dare say that during the past seven years of my tenure as majority leader I have carried the flag over rougher territory than was ever traversed by any previous majority leader. Sometimes I have carried it with little help here on the Senate floor, and more frequently with little help from the other end of Pennsylvania Avenue." (*C. R.*, 78-2, p. 1983).

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At the conference the next day, the Democratic membership heard Mr. Barkley submit his resignation, and after he had withdrawn from the room he was reëlected to his post by acclamation.

As usual, the attendance in the Senate was not good, as illustrated in the following remarks by the late Senator Maloney when the bill to continue the Commodity Credit Corporation and prohibit the payment of subsidies (H. R. 3477) was up for consideration: "For two reasons, I shall be exceedingly brief. First, because of a natural desire to expedite consideration of the proposal; and second, because the majority leader's admonition is unheeded and many Senators are not in the Chamber, and because I have no special desire to talk to myself about this all-important matter."[28]

On one occasion, the Senate turned down the recommendations of its Committee on Military Affairs on a major issue of the session; it rejected the Murray-Kilgore bill (S. 2061), on demobilization and reconversion, and adopted a more conservative bill on the same subject, offered in the form of amendments on the Senate floor by Senator George, who in accomplishing his object displayed a brilliant piece of parliamentary maneuvering. His committee (Finance) reported S. 2051, to amend the Social Security Act to provide for non-interest federal loans to state unemployment funds from a federal unemployment account in the Unemployment Trust Fund, and payment of unemployment compensation to federal employees, through state unemployment agencies and in conformity with state standards. The Murray-Kilgore bill (S. 2061), of broader scope, was referred to the Military Affairs Committee, and properly so. The measure was reported on August 5, embodying five titles: to create an Office of War Mobilization and Adjustment for the over-all supervision of war mobilization and demobilization, to set up rules and policies for industrial demobilization and reconversion, to provide for retraining and reëmployment of war workers and returning service men and for unemployment benefits, to provide for a survey of housing needs and for making loans to the states for planning public works, and finally it embodied certain general provisions applicable to the other four titles. This bill was very liberal, and Senator George wished to block it. Consequently, he maneuvered to get his bill called up first. Senator Murray, seeing what was being done, offered his bill as amendments to the George bill (S. 2051). Senator George, realizing what would be done to his bill if the Murray amendments were adopted, offered amendments which he favored as substitute amendments to the Murray amendments, forcing the Senate to vote on his amendments first. The Senate, having adopted the George substitute amendments, the Murray-Kilgore bill, which was offered as amendments, was eliminated and left to die on the Senate calendar. In the House, some

[28] *C. R.*, 78-2, p. 1462.

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of the so-called liberal provisions of the George bill (S. 2051) were eliminated, and thus the bill was enacted.[29]

A decision of the Vice President (president of the Senate) ruling an amendment to the Independent Offices Appropriation Bill (H. R. 4070) out of order was set aside by the Senate by a vote of 17 to 46.[30] The amendment was offered by Senator McKellar on March 24, 1944, and dealt with the T.V.A. Senator Bone raised the point of order that it was legislation and could not properly be attached to an appropriation bill.

The Poll Tax Bill (H. R. 7) was again a subject of much discussion in the Senate. The measure passed the House, but in the Senate a filibuster blocked action. An attempt to invoke the clôture rule was defeated by a vote of 36 to 44.[31] As the Senate approached the vote, tension mounted in the chamber; galleries were filled to overflowing, with Negroes and servicemen dotting the audience. Senators on the floor gathered in little groups, many paying scant attention to the closing minutes of debate. Vice President Wallace had to rap repeatedly for order as the hum of talk increased. Immediately following the attempt to invoke the clôture, the Senate, by a vote of 41 to 35, put the bill aside for the remainder of the year.

In discussing the bill, Senator Connally told the Senate that this body "is the only place in all our vast governmental machinery where freedom of discussion and freedom of debate is preserved. If we do our duty to our country, it will continue to be preserved. . . . There is no occasion for shutting off debate. There is no occasion for throttling free speech."[32]

The Senate devoted much time to the debate of soldier-vote bills (S. 1285 and S. 1612), having passed one in the later part of the first session. The House refused to consider the second bill, but passed the one which the Senate had passed in 1943. The Senate acted on the second measure in hope of hurrying the House; the President even sent a message to Congress while the Senate was considering the second bill (S. 1612), urging Congress to take quick action on such legislation in order to help the sol-

[29] Note remarks by Senator Vandenberg, provoked by a statement that the Senate had not sufficiently studied the issue: "I wish very briefly to assert my total agreement with the analysis of the situation made by the distinguished majority leader. There seems to be an implication here that the pending proposals, all three of them, are "shotgun" proposals which have been inadequately considered and inadequately born, and are inadequately supported at the present time before the Senate. I have been a member of the Senate for 16 years, and I know of no legislative proposal in all that time which has had the lengthy, careful, scrupulous, and complete attention the pending propositions have received." (*C. R.* 78-2, p. 6972).

[30] *C. R.* 78-2, p. 3109.

[31] Of the 36 favoring the clôture, 17 were Democrats, 18 Republicans, and 1 Progressive; of the 44 against the clôture, 31 were Democrats, and 13 were Republicans (*C. R.* 78-2, pp. 4550–4551).

[32] *C. R.*, 78-2, p. 4272.

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diers to a chance to vote. Many Senators and Representatives protested the action. The Senate finally passed the second bill in the form requested by the President, but it never became law; a state ballot control bill was enacted, the federal ballot control bill having been rejected in conference.

House Procedure. In the House, more than 850 of the 953 bills and resolutions passed were disposed of under unanimous consent.[33] The others were called up and disposed of as privileged business—in order when reported in pursuance of the general rules of the House, under the Discharge Calendar procedure, and under special rules reported by the Rules Committee.

The Rules Committee reported 63 resolutions providing special consideration for the same number of measures;[34] the House adopted 49 of them, in effect suspending its rules in each instance by adopting one of these simple resolutions setting up a special order of business (the immediate consideration of some particular bill). Twelve of the 63 were laid on the table when bills for which they provided consideration were passed under unanimous consent,[35] one was left on the Calendar, and one was defeated.

An analysis of these rules shows that of the 49 adopted, all provided for the immediate consideration of particular bills or resolutions; 35 were open rules merely giving otherwise unprivileged business the right of way for a hearing. Fourteen could be classed as closed rules. Forty-nine specified a maximum time for general debate (to be divided equally between members favoring and those opposing) of a particular bill (22 provided for one hour, 12 for two hours, 6 for three hours, 2 for four hours, 1 for nine hours, and 6 for two days each). All 49 provided that their respective bills be read under the five-minute rule for amendments immediately following the general debate, "and that thereupon the committee shall rise and report the same to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit."

Of the 63 bills and resolutions for which special rules were reported to the House by the Rules Committee, only 44 became law; 11 passed the House, but died in the Senate; two failed of passage in the House; one died in conference; one was pocket vetoed; three were acted on, but were lost in process; and one resolution was left on the Calendar without action. These results definitely disclose that the Rules Committee clears the way

[33] Unanimous consent procedure business includes bills called up out of order by request, from the Unanimous Consent Calendar and from the Private Calendar, all of which are passed without objection.

[34] Two of the resolutions were reported in the later part of the first session.

[35] One of these 12 was laid on the table after a like rule had been defeated.

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for the House consideration of legislation other than that sponsored by the majority party leadership; that the committee believes in giving a hearing to bills disapproved by the House; that the committee believes in the disposition of measures to which the Senate is adverse; and that the committee does more than clear the way for legislation desired by the Administration.

One interesting fight occurred in the House over the jurisdiction of the Rules Committee. The committee reported one resolution (H. Res. 582)[36] providing for the immediate consideration of H. R. 4941 (S. 1764), to extend the Price Control Act, with a proviso to make it in order to consider H. R. 4647, a like bill introduced by Representative Smith of Virginia, chairman of the Special Committee Investigating Executive Agencies, as an amendment to H. R. 4941, which had not been reported; the rule would have waived all points of order against the Smith bill. It was argued that this would give the Rules Committee the power to abrogate the rights of the various standing committees, if it could make in order for House consideration any bill even though a standing committee had not considered the measure. The House rejected the proposal by amending the rule.

Calendar Wednesday procedure was not used during the entire session. The suspension-of-rules procedure was used for passage of five bills, on three different days.[37] All but one became law.

Three motions to discharge committees from consideration of bills were filed, but no one of them received a sufficient number of signatures for entry on the Calendar of such motions; thus no motion to discharge a committee was placed on the Discharge Calendar, but one which was filed in the last session was adopted.[38] When the Congress adjourned, 111 bills were left on the Calendar without action.

Legislative Activity: A total of 773 laws were enacted, of which 349 were public and 424 private.[39] The House passed 953 bills and resolutions, and

[36] Before it was amended, the resolution provided: "And all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed nine hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order any amendment which may be offered to the bill embodying any of the sections or paragraphs contained in the bill H. R. 4647 . . . ."

[37] See H. R. 4115, H. R. 4833, H. R. 3646, S. 1432, and H. R. 4615.

[38] Under the discharge procedure, the House adopted H. Res. 29 on January 24, 1944, amending the rules of the House to extend the jurisdiction of the Committee on World War Veterans' Legislation to veterans of World War II.

[39] In the first session of the 78th Congress, 384 laws were enacted, of which 219 were public and 165 private. For data on prior Congresses, see Calendar of the U. S. House of Representatives, 78th Cong., final edition, p. 242.

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the Senate 931.[40] Sixty-four measures were sent to conference, of which 59 were cleared for enactment and five were left in conference at the close of the session.[41] Many measures, after having advanced one or more steps toward enactment, were left unfinished; the President vetoed 29 bills, making a total of 624 bills vetoed by him since 1933, when he took office.

Appropriations. Congress enacted sixteen appropriation bills, involving a total of $67,614,456,131 of direct appropriations, compared with $114,564,008,594 in the previous session of Congress. The total amount of direct appropriations, however, does not include reappropriations or contract authorizations; nor does it mean that the government will spend exactly $67,000,000,000 during the fiscal year 1945; it may spend more, or it may spend less. It will have access to a much greater sum. The sixteen bills carried contract authorizations totalling over eight billion dollars, and reappropriations of unexpended funds totalled about forty billions. Thus, approximately $115 billions will be available for expenditures, if spent as specified in the various appropriation acts.[42]

Legislation. The work of Congress during the session was extensive, particularly that of the committees. Much of the time of both houses was consumed on the appropriation bills; many defense bills were enacted in the form requested by the Administration, and without much debate. As observed, committee activity was heavy, with an average of eight or ten standing committees meeting every day that either house was sitting, and with some committees meeting nearly every day of the congressional

[40] Each house played a more important rôle in legislative activity than the above figures show. Of the 953 measures passed by the House, 515 were House bills, 218 Senate bills, 18 House joint resolutions, 8 Senate joint resolutions, 12 House concurrent resolutions, 17 Senate concurrent resolutions, and 165 simple House resolutions. In the first session, only 795 measures were passed. During the second session, 2,171 bills and resolutions were introduced in the House, of which 1,725 were House bills, 114 House joint resolutions, 40 House concurrent resolutions, and 292 House resolutions. In the first session, 4,568 bills and resolutions were introduced in the House. House committees made 1,117 reports. Of the 931 measures passed by the Senate in the second session, 245 were Senate bills, 539 House bills, 16 Senate joint resolutions, 21 House joint resolutions, 19 Senate concurrent resolutions, 12 House concurrent resolutions, and 79 Senate resolutions. In the first session, only 702 measures were passed. During the second session, 825 bills and resolutions were introduced in the Senate, of which 605 were Senate bills, 60 Senate joint resolutions, 30 Senate concurrent resolutions, and 130 Senate resolutions. In the first session, 1,971 bills and resolutions were introduced in the Senate. Senate committees made 765 reports.

[41] At the close of the First Session, four were left in conference; only 49 were sent to conference in that session.

[42] For a thorough analysis of these appropriations, see *Appropriations, Budget Estimates, etc.* (by Marcus C. Sheild, clerk to the House Committee on Appropriations, and Everard H. Smith, clerk to the Senate Committee on Appropriations), pp. 1–861. This volume does not include data on H. R. 5587, First Supplemental Appropriation Bill for 1945, signed on December 22, 1944.

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session. Besides the executive sessions held, testimony taken by the committees involved over 100,000 printed pages. Much time was spent in each house adopting resolutions creating select and investigating committees, as well as discussing special reports made by them. Much of the debate of both houses was devoted to subjects of broad national interest, as contrasted to mere pending bills, post-war problems being the favorite subject. Only a few, if any, of the roll-call votes taken in either chamber showed division on straight party lines.

One of the most debated issues of the session was voting in the general election by persons in the armed services; the procedure to enactment was rather political. On February 3, by a vote of 328 to 69,[43] the House passed S. 1285, providing for a state controlled ballot; the Senate had passed this bill in much the same form on December 3, 1943. The House, on the same day, by a vote of 168 to 224, rejected a substitute amendment to the bill, known as the Worley bill (H. R. 3982), which would have provided for a federal ballot. In the meantime, the Senate began to consider another soldier vote bill (S. 1612), providing for a federal-controlled ballot. To assure the passage of this bill, the President sent a message to Congress[44] requesting the enactment of S. 1612 or H. R. 3982. The message was read to the Senate while that body was still considering its bill, to which many senators made articulate protest, Senator Taft declaring it "most unfortunate that the President of the United States has seen fit again to intervene in legislative matters, and, in his intervention, to use language which is a direct insult to the members of this body and a direct insult to the members of the House of Representatives."[45]

Senator Gillette told the Senate that the President's message was an attempt to "participate in debate." He declared that the President had no constitutional right to interfere or attempt to influence the consideration of bills before Congress; and added: "I have once and again voiced on this floor my protest against what has appeared to me to be unwarranted interference by the Executive with legislative fields of responsibility. . . . I am constrained once more to voice my concern and my strong protest against what I firmly believe to be improper interference by the Executive arm during the consideration of legislation under the constitutional duty of the Congress."[46] The Senate, nevertheless, passed the bill on February 8 by a vote of 47 to 38,[47] the leadership being prompted to bring up the bill to guard against the possibility of the House clearing the way for a state-controlled ballot bill.

The House had passed S. 1285 on February 3, and it was messaged to the Senate while that body was still considering S. 1612. The Senate put

[43] C. R., 78-2, pp. 1231–1232. [44] H. Doc. 386, 78th Cong.
[45] C. R., 78-2, p. 716. [46] C. R., 78-2, p. 922; Jan. 31, 1944.
[47] C. R., 78-2, pp. 1391–1415.

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aside S. 1612 temporarily to act on House amendments to S. 1285, which it did by agreeing to some of the amendments and amending others so as to make the bill, as far as the Senate was concerned, a federal-controlled ballot bill.[48] The measure was then sent to conference. Subsequently the Senate passed S. 1612, and sent it to the House, where it was permitted to die without further action.

S. 1285 was sent to conference on February 10, with Senators Green, Connally, Hatch, Austin, and Butler as conferees. Three of these favored the federal-controlled version, but two opposed it. The House conferees were Representatives Worley, Rankin, Bonner, LeCompte, and Ellsworth. Two of these favored the federal-controlled version, but three opposed it. Since negative action on the part of a majority of the conferees of either chamber could defeat the final outcome of a conference committee, the House conferees won and a state-controlled ballot version was reported by the conferees and finally enacted. There was a real fight in the conference, which ran for weeks. At one time it was thought that the conferees had agreed, and then the whole case was reopened.[49] The President finally let the bill become law without his signature, submitting a message to Congress to that effect.[50]

The consumer subsidy bills continued to cause conflict between Congress and the Administration. A bill (H. R. 3477) to outlaw consumer subsidies and to extend the life of the Commodity Credit Corporation, which was introduced on October 18, 1943, and which passed the House on November 23, 1943, was finally cleared for the President's action on February 17, 1944; on February 18, the President vetoed the bill and the House sustained the veto with 226 voting in favor of overriding the veto and 151 sustaining it—not a two-thirds majority. That action by the President and one-third of the House members sanctioned the Administration's subsidy program, which was carried on throughout the year, since Congress failed to pass any prohibitive legislation.[51] Again, Congress, just as it had done the prior year, passed another simple joint resolution (S. J. Res. 116), without limitations on consumer subsidies, to extend the life of the CCC until June 30, 1945.[52]

The procedure on the contract termination bills presented an interesting case. Not only was Congress divided on the issue, but divisions of the Administration could not reach a complete accord among themselves, with the General Accounting Office taking a position of its own. One bill on this subject (H. R. 3022) was reported to the House by its Committee

[48] *C. R.*, 78-2, pp. 1391–1415.
[49] Washington News Service—ticker—for March 1, 1944.
[50] See H. Doc. 523, 78th Cong.
[51] See this REVIEW, Vol. 38, pp. 307–308 (Apr., 1944).
[52] P. L. 240, 78th Cong.

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on Military Affairs as early as March 20, 1944;[53] another (H. R. 4469) was reported to the House by its Naval Affairs Committee on April 19, 1944.[54] Both bills were held up in the House by the Rules Committee, which would not grant a special rule providing for their consideration. On May 4, the Senate passed S. 1718, to provide for contract terminations, the bill having been reported by the Senate Military Affairs Committee. The measure was referred to the House Judiciary Committee and reported back to the House on May 31, both the House Military and Naval Committees having been by-passed. An accord was reached in the House on the measure between the House leadership and the Administration, and it was given the green light by the Rules Committee. Passing the House amended on June 19, 1944, it was finally enacted on July 1, 1944, with the General Accounting Office practically left out of the picture.[55]

In the case of the Demobilization and Reconversion Bill (S. 2051),[56] the Senate rejected the recommendations of its Committee on Military Affairs when it set aside the so-called Murray-Kilgore bill (S. 2061), a very liberal bill as compared to the bill on the same subject passed by the Senate (S. 2051). This bill, reported to the Senate by the Finance Committee, was very limited in scope, but it was so amended by the Senate that when it finally passed that body, it included in modified form all the contents of the Murray-Kilgore bill. The House likewise amended this bill considerably, by elimination of the retraining and reëmployment training provisions, exclusion of federal employees from state unemployment benefits, and setting at $2\frac{1}{2}$ per cent the interest rate on all federal loans to states for preparation of blueprints for public works, together with other alterations. The House would not give in to the Senate conferees, and the bill was enacted in much the form in which it passed the House.[57]

This legislation, in part, met the request of the President in his budget message for action on industrial reconversion to make ready for manpower demobilization and reëmployment and post-war public works. The Administration, however, did not get what it wanted.

Congress gave much attention to tax legislation. The 1943 Revenue Bill (H. R. 3687) passed the House and was reported to the Senate in 1943, but the Senate did not pass the measure until January 21, 1944, in the second session. The bill was finally cleared for the President's signature on February 7, 1944, after having been opposed by the Treasury at nearly

[53] This bill had the support of the General Accounting Office and gave the Comptroller-General the final approval on all contracts terminated (H. Rep. 1268).

[54] H. Rep. 1355, 78th Cong.; it, likewise, gave the General Accounting Office much power in the termination of contracts.

[55] P. L. 395, 78th Cong.

[56] Much of the procedure used in disposing of the bill in the Senate is pointed out under "Senate Procedure." [57] P. L. 458, 78th Cong.

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all stages of enactment. The President vetoed the measure, stating that he had "asked the Congress for legislation to raise $10,500,000,000 over and above the existing revenue system," and "the measure before me purports to increase the national revenue by a little over $2,000,000,000."[58] Congress overrode the veto, the bill becoming law, the President to the contrary notwithstanding. The House rejected the veto by a vote of 299 to 95 and the Senate by a vote of 72 to 14,[59] the voting in both chambers cutting across party lines.

A tax simplification bill was enacted (H. R. 4646–P. L. 315), though not totally in accord with the desires of the Administration. The measure was designed to relieve thirty million taxpayers of the need for computing income taxes, and provided for a flat exemption of $500 a person instead of the old plan of $500 for a single person, $1,200 for a married couple, and $350 for each child.

The surplus property bill ran into much conflict before it finally became law. No branch of the government got exactly what it wanted, and the House and Senate were in as much disagreement about what should be enacted as were Congress and the Administration (H. R. 5125–P. L. 457). The House and Senate conferees nearly ran into a deadlock, with the House managers threatening to let the bill die in conference, leaving the surplus property administration to the President by executive order if the Senate conferees did not give in on several counts.

In the closing days of the session (on December 15), the House and Senate finally approved a Senate Concurrent Resolution (S. Con. Res. 23) to create a nonpartisan joint committee, made up of six senators and six representatives, to make an examination into the functions, duties, and operations of the House and Senate. The membership was appointed by the Speaker of the House and the President of the Senate, but the committee did not start work during the session.

Some of the legislation included in the appropriation bills is important enough to merit mention. In the case of the Independent Offices Appropriation Bill (H. R. 4070–P. L. 358), the so-called Russell amendment, though opposed by the Administration, was written into law. This proviso prohibits the transfer of executive funds, without formal congressional approval, to any executive agency which has been in existence for a year, and which has not been authorized by Congress. This move was

[58] H. Doc. 443, 78th Cong.

[59] For details, see *Congressional Record* for Feb. 24 and 25, 1944. Representative Doughton, chairman of the House Ways and Means Committee, when asked his position on the veto, asked the question: "How am I going to retain my self-respect if I don't" vote to override the veto. Senator George, chairman of the Senate Finance Committee, stated: "Never in my experience have I seen a major piece of legislation vetoed on such inadequate and wholly unconvincing grounds."

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intended, according to Senator Russell, to block the creation of executive agencies without the approval of Congress.

The so-called McKellar amendments, requiring all nominations involving salaries of $4,500 or in excess thereof to be submitted to the Senate,[60] and that TVA receipts be deposited with the Treasury and that any money spent by that agency be appropriated by Congress, were both approved again by the Senate; but they failed to become law, the House being unwilling to accept them.[61]

The FEPC, which otherwise would have been eliminated under the so-called Russell amendment, was continued for a year and given $500,000 when an amendment to that effect was enacted into law as a part of the War Agencies Appropriation Bill (H. R. 4879–P. L. 372). Restrictions, however, were placed on the operation of the agency. This item was fought rather heatedly in both bodies, having at one time been eliminated in the House by a vote of 141 to 103,[62] but later approved by a vote of 119 to 123. Bills to make the FEPC a permanent agency were reported in both houses,[63] but neither of them was ever given further consideration.

A number of bills which consumed much of the time of the committees, as well as of the two legislative chambers, were acted upon, but failed to reach final passage. A Rivers and Harbors Bill (H. R. 3961) passed both houses, but died in conference. The bill for state regulation of insurance (H. R. 3270) and the Land Grant Freight Rates Bill (H. R. 4184) passed the House and were reported to the Senate, but died on the Senate calendar. Cartels, post-war planning, and peace treaty proposals were subjects of much discussion.

Investigating Committees. Investigating and select committees were active throughout the year, even during the two long recesses, studying varied subjects and problems. The House had 31,[64] of which 21 were created

[60] See A. W. Macmahon, "Senatorial Confirmation," *Public Administration Review*, Vol. 3, pp. 281–296 (Nov. 1943); also *C. R.*, 78-2, p. 5272, June 1, 1944.

[61] See procedure on H. R. 4070.

[62] *C. R.*, 78-2, p. 5149. [63] S. 2048; H. R. 3986.

[64] Of the ten additional investigations undertaken during the current session, six were by standing committees, the chairman in each instance having designated a subcommittee to make the investigation. The subjects of investigation were: Guayule Trees for Crude Rubber (H. Res. 346), Physically Handicapped (H. Res. 230), Improvement of the Columbia River and Its Tributaries for Reclamation and Flood Control (H. Res. 262—having been authorized in 1943), Montgomery Ward and Company (H. Res. 521), Farm Security Administration and Activities of Farm Credit Administration (H. Res. 525), Campaign Expenditures (H. Res. 551), War Effects on Education in Colleges and Universities (H. Res. 592), Post-War Economic Policy and Planning (H. Res. 408), Conduct of two federal judges (H. Res. 406), and Post-War Military Policy (H. Res. 465). For a list of the other 21, see this REVIEW, Vol. 38, p. 311 (Apr., 1944).

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in the first session of this Congress; the Senate had 20,[65] of which 10 were created in the first session.

Of particular interest is the following comment by Vice President Truman, in his farewell address to the Senate as spokesman for the Senate's Special War Investigation Committee (Truman Committee), moralizing on the work of investigating committees: "The work of this committee has demonstrated what can be accomplished through investigation by committees of the Congress. Our industrial economy has become so complex and the necessary changes so numerous that it is impossible for the Congress in legislating to provide all the safeguards which are necessary for proper administration. If an attempt were made to do so, great delays would ensue, and in many cases the detailed requirements of specific legislation would be harmful rather than beneficial. For these reasons, it is important that Congress not only continue but enlarge its work of investigation. In my opinion, the power of investigation is one of the most important powers of the Congress. The manner in which that power is exercised will largely determine the position and prestige of the Congress in the future. An informed Congress is a wise Congress; an uninformed Congress surely will forfeit a large portion of the respect and confidence of the people."[66]

The Senate as a Council. Nominations received by the Senate during the session totalled 10,119, of which 10,073 were confirmed, four rejected, 18 withdrawn, and 24 left unconfirmed.[67] This compares with 11,656 submitted in the previous session. Most of the nominations were disposed of in a routine manner—referred to proper committees, studied briefly, reported to the Senate, and confirmed after little or no debate. The nominations for the top posts in the State Department were the only ones that

[65] Of the ten investigations authorized during the current session, seven were by standing committees of the Senate, the chairman in each instance having designated a subcommittee to make the investigation. The subjects of investigation were: Centralization of Heavy Industry (S. Res. 190), Petroleum Resources (S. Res. 253), Campaign Expenditures (S. Res. 263), Censorship (S. Res. 282), Use of Rayon as Substitute for Cotton and Wool (S. Res. 291), Farm Machinery Investigation (S. Res. 276), Issuance of Executive Orders and Departmental Regulation (S. Res. 252), Adjustment of Veterans into Civil Life (S. Res. 225), Alcoholic Beverages Industry (S. Res. 206—having been authorized in 1943), and Investigation of Termination of Government Contracts (S. Res. 198). For a list of the other 10, see this REVIEW, Vol. 38, p. 311 (Apr., 1944).

[66] *C. R.* 78-2, p. 6816, for Aug. 7, 1944. The Truman Committee made its third annual report to the Senate, stating that the committee had submitted to the Senate 29 reports, "which cover most of the major subjects investigated by the committee" (S. Rep. 10, Part 16).

[67] All four rejected were postmasters. See *Civilian Nominations*, compiled by L. W. Bailey, executive clerk, for Secretary of the Senate, pp. 1–393.

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really stirred any attention. These, however, including the nomination of Edward R. Stettinius, Jr., to be Secretary of State, involved much debate. Mr. Stettinius was confirmed on November 30, by a vote of 68 to 1. The nominations for Under-Secretary of State and five Assistant Secretaries of State were bitterly contested. The Foreign Relations Committee, having defeated a motion to ask President Roosevelt to withdraw them, ordered them reported; and after two days of debate, the Senate confirmed the nominations of Joseph C. Grew, to be Under Secretary of State (by a vote of 66 to 7), and of Nelson A. Rockefeller (by a vote of 62 to 10), William L. Clayton (by a vote of 52 to 19), James C. Dunn (by a vote of 62 to 10), Brigadier General Julius C. Holmes (by a vote of 61 to 9), and Archibald MacLeish (by a vote of 43 to 25) to be Assistant Secretaries of State.[68] The nomination of Leland Olds to be a member of the Federal Power Commission was fought, but confirmed.[69]

The Senate spent very little time on the ratification of treaties;[70] but there was some discussion of the treaty-making power in the disposition of the St. Lawrence Waterway, as an amendment to the Rivers and Harbors Bill, which died in conference. The Foreign Relations Committee, on November 22, voted not to hold hearings on the Mexican-U. S. Water Treaty and the Anglo-American Oil Agreement, two controversial issues, until the beginning of the Seventy-ninth Congress.

A number of bills were introduced in the House and Senate to amend the Constitution so as to provide for the ratification of treaties by a majority vote of the two houses, instead of a two-third vote by the Senate. The House Judiciary Committee reported such a joint resolution[71] favorably; but the proposal died on the House Calendar without action.

The Administration's Relations with Congress: Strained relations between the President and Congress were perhaps more manifest than in the last several years. While the Chief Executive mapped out the general legislative program for the year in his budget message and his message on the state of the Union, he did not get all of the legislation asked for, and some that was forthcoming did not meet his desires or expectations.

Several issues acted on during the session revealed considerable conflict between the two branches of government. The tax bill was the most important. The break between the President and Senator Barkley was smoothed over after a fashion, but it gave encouragement to dissenters; it not only set a precedent, but showed what could be done—that is, that

[68] See *Governmental Affairs*, Legislative Daily, Vol. 1, Nos. 24 and 28, Dec. 14 and 19, 1944. [69] *C. R.*, 78-2, p. 7786, for Sept. 12, 1944.

[70] The Senate ratified a total of five non-controversial treaties on June 16, June 22, and December 6, 1944 (Executive B, D, G, I, and J). Five others (Executive A, C, E, F, and H) were submitted to the Senate and made public, but never acted on. [71] H. J. (Res. 320—H. Rep. 2061).

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the majority floor leader of the Senate could repudiate the President and resign his post, and yet be so popular as to be reëlected unanimously. Little was said publicly about the matter after the lapse of a few days, but it was mentioned in unofficial conversations continuously for a long time. Senator Barkley was accused by many of having chosen his course for political reasons, because of the attitude of his people in Kentucky, since he was up for reëlection. Whatever the motive, the act was one of the most daring in Congress in many years.

The soldier-vote bill stirred another struggle between Congress and the Administration, with the Republicans and "Independent" Democrats at loggersheads with the Administration .The Administration wanted a federal-controlled ballot; Congress granted a state-controlled ballot; and finally the President let the bill become law without his signature.

The Administration wanted an increase in the social security pay-roll tax. But Congress passed H. R. 5564, freezing the tax at one per cent each on employers and employees during the calendar year 1945. The President threatened to veto the measure; but after a conference with Speaker Rayburn, he signed it, submitting a statement of objections to the continued "freeze."

The House Appropriations Committee was outspoken in its report[72] on the Department of Labor, the Federal Security Agency, and the Related Independent Offices Appropriation Bill for the Fiscal Year 1945 (H. R. 4899), implying that government agencies try to perpetuate themselves. The report stated: "Members of the committee have been impressed with the considerable amount of correspondence received in connection with the appropriation for this Bureau [Children's Bureau] and the widespread interest in the demand that the appropriation be maintained at its present level, or increased. Such interest indicates that the public generally will give wholehearted support to every effort of the Bureau to carry on its duties within the amount appropriated; but government employees who are beneficiaries of the appropriation concerned should not be used in having the Congress or members of the Committee on Appropriations circularized on behalf of such appropriation."[73]

Time and time again during the session, senators and representatives accused the Administration of flaunting the will of Congress in administering the laws. Committee reports, particularly the House Committee Investigating the Jurisdiction of War Executive Agencies, made the same charges.[74] On March 13,[75] Representative Keefe, member of the subcommittee on appropriations handling the appropriation bill for the Labor Department and the Federal Security Agency, stated: "The Public

[72] H. Rep. 1526.
[73] *Ibid.*, pp. 7–8; see also *C. R.*, 78-2, pp. 5192–5193, for May 29, 1944.
[74] H. Rep., 1024, 1366, 1797, and 1912. [75] *C. R.*, 78-2, p. 2501.

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Health Service came before our committee last year and asked funds for venereal-disease control. The budget estimate amounted to $12,367,000. . . . Now what happens . . . General Parran—and I think the world of him; he is a great administrator—goes to the Public Works Agency and gets from the Lanham Act funds an additional allocation for federal expenditures of $11,722,433. In other words, instead of submitting their whole program to the Committee on Appropriations and asking for the funds that they need for their entire program, they slip over to the Public Works Agency and get $11,722,433 more to spend." On another occasion, the Employment Service was accused of ignoring the will of Congress; to quote: "They just flaunt the action of Congress and the action of this committee and pay no attention at all."[76]

In debating the FEPC appropriation and authorization in the War Agencies Appropriation Bill,[77] Senator Russell cited several instances in which he alleged that the President had ignored the law in issuing various executive orders.[78] The OPA, too, was regularly criticized[79] for ignoring the intent of Congress.

Congress again rejected the President's budget proposal that funds be provided for a Legal Examining Unit as a part of the Civil Service Commission. The Administration, nevertheless, attempted to set up such a division of the government, contrary to the will of Congress. Consequently, the following clause was carried in the Independent Offices Appropriation Bill: "No part of the appropriations herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission, established pursuant to Executive Order Numbered 9358 of July 1, 1943."[80]

During the session, the President vetoed 29 bills, with one veto overridden.[81] The House attempted, but failed for the second consecutive year, to override his vetoes of the discontinuance of the CCC and on outlawing subsidies.[82] Fourteen of the vetoes were of the pocket variety.

[76] *C. R.* 78-2, p. 5251, June 1. [77] H. R. 4879—P. L. 372.
[78] C. R., 78-2, pp. 6103–6110.
[79] See remarks by Representative Gifford on May 29, pp. 5192–5193; by Senator Moore on June 16, 1944, pp. 6099–6100; by Senator Reed on June 9, 1944, p. 5718.
[80] P. L. 358. [81] H. R. 3687. [82] H. R. 3477.

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FOREIGN GOVERNMENT AND POLITICS

TRENDS IN ENGLISH LOCAL GOVERNMENT, 1944[1]

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I

Many accusations are being made in England at the present time that an over-centralized bureaucracy is stifling local government. The Government's plans for local government in the postwar period tend, it is said, to abolish local self-government.

If any such trends are discernible, an examination of local-government developments in 1944 ought to reveal them, since that year was one of profound change for English local government. Nearly every service administered by local government was in some way affected. Some services were enlarged, others reduced. New services were added, old ones dropped. Central-local relations in the performance of these functions were in nearly every case altered. Even the relations between different units of local government were modified.

In the pages that follow, an attempt is made to summarize some of the most important changes made in 1944 in the services performed by local units and to indicate some of the trends which are manifest when the changes are viewed as a whole.[2]

II

Planning: The main documents in 1944 concerned with local planning were the Town and Country Planning Act and the Government's White Paper on Control of Land Use.[3] The former is primarily concerned with land acquisition, the latter with national control of land use.

[1] Unless otherwise clearly indicated by the text, the words England or English as used in this article refer to England and Wales. The author wishes to express his thanks to the editors of the *National Municipal Review* for their permission to use parts of three articles which appeared originally in the author's "Local Affairs Abroad" section in that periodical.

[2] Only developments since 1943 are discussed in the present article. For earlier ones, see W. Ivor Jennings (first edition) and A. D. Hargeaves (second edition), *Local Authorities in War-Time* (London, 1941). No apology is needed for not considering here all of the special functional problems of metropolitan London, since that of itself would be a suitable topic for separate treatment.

[3] For a brief account of recent developments in planning before 1944, see *British Government Machinery for Reconstruction (A Summary Account)*, British Information Services, Jan., 1944, pp. 4–5. For a summary of the Act's provisions, see *Municipal Review*, Vol. 15, p. 147 (1944), and of the White Paper's provisions, *ibid.*, p. 173. Cf. *National Municipal Review*, Vol. 33, p. 567 (1944), and Vol. 34, pp. 60–63 (1945).

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The powers of land acquisition by local planning authorities were extended and the process of acquisition made speedier by the Town and Country Planning Act, 1944. In each case, their powers are greater over blitzed areas than over blighted areas. In general, local authorities are given power to acquire local areas which they deem in need of development or redevelopment. In cities where the density of population is such that population overflows the city boundaries, the central city has powers of land acquisition in the immediate overspill area. It is contemplated that in most instances the local authority will retain title to the land and lease it in suitable plots.

All these powers are subject to strict supervision and approval by the Minister of Town and Country Planning. Some national grants—equal to the interest charges on loans for land acquisition—are provided for a period of two years, further grants depending on local situations. The value of all land acquired may exceed prices current on March 31, 1939, as much as thirty per cent under certain conditions.

The White Paper provides that although development rights shall remain vested in the landowner, he may not exercise them until approval of the proposed land-use change is obtained from the local planning agency, which is subject to powers of direction and control by the ministers. "Betterment charges" would be imposed upon all landowners in the future whenever permission was given to develop or redevelop the land for a different use. Such charges would be equal to eighty per cent of the difference between the value of the land with the benefit of permission and its value if permission had been refused.

"Fair compensation" for loss of development value which existed on March 31, 1939, would be paid to owners of land if permission to develop the land were refused. The assessment and payment or collection of compensation and betterment charges would be centralized in a Land Commission, responsible to ministers, and would be subject to arbitration in case of dispute. Receipts of betterment charges would be expected to balance approximately the payments of fair compensation.

Objections have been expressed against each of these measures, both on the ground that they give too much power to central and local governments and on the ground that they give too little. Others believe that land should not be held by local authorities, but by a regional or a central authority. More specifically, the Act does not set down uniform procedures or powers relative to land acquisition in all cases, and in the opinion of some this is undesirable. Criticism has been aimed at the national grants, which are considered inadequate, and at the method of determining the value of land.

The Government has promised to give special help in rehabilitating certain coastal towns which have been particularly hard hit because of

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anti-invasion arrangements, air raids, and Second Front invasion arrangements, as well as by the more recent flying bombs. The new Planning Act provides for special assistance from the Exchequer for a period of two years to areas in which there has been extensive war damage.

Housing: The magnitude of the problem of housing confronting England is illustrated by the fact that in metropolitan London alone, as of the end of October, 1944, 107,000 houses had been entirely destroyed by enemy action and over 800,000 were in need of repairs. New plans for meeting the war and postwar problem presented are contained primarily in a circular issued by the Ministry of Health, and two acts.[4]

Procedure for the advance preparation of housing sites to enable the building of houses without delay as soon as circumstances permit is outlined in the Ministry of Health's circular. In order that this preparation be made as economical as possible, large-scale contracts for the preparation of five acres or more of land are to be let. In case the local housing authority does not have this large an area to prepare, and in cases where the area to be prepared includes more than one local authority, the authorities are to group themselves and designate one as the contracting authority for the combined area. Provision of roads and sewers and facilities for the provision of water, gas, and electricity are to be made. Although local authorities may borrow for these purposes, it is hoped that this can be kept to a minimum. Thorough supervision by the Minister of Health and the Minister of Town and Country Planning and their regional representatives is specified.

Two changes in the existing housing law are made by the Housing (Temporary Provisions) Act, 1944. The range and scope of exchequer subsidies were extended until 1947, although a later supplementary bill is promised by the Government specifying the exact amount of subsidies, which are given at present at the rate of two to one. The Minister of Health was given power for two years to confirm a compulsory purchase order of a local authority after considering objections without a public local inquiry. The *Housing Manual* (1944), prepared by the Ministry of Health and the Ministry of Works and sent to all local authorities, gives the latter technical guidance in the light of which they are to prepare their plans for the short-term housing program covering the first two years after the war in Europe. At least 300,000 permanent houses by the end of the first two years is the Government's goal. This would require about 30,000 acres of land. However, local authorities have esti-

[4] For the Ministry of Health's circular and its appendix, see *Municipal Journal*, Vol. 52, pp. 339 and 403 (1944). A summary of the Housing (Temporary Provisions) Act can be found in *Municipal Journal*, Vol. 52, p. 1246 (1944). The Housing (Temporary Accommodations) Act is variously discussed in *ibid.*, 1482 and 1659 (1944), and *Municipal Review*, Vol. 15, p. 114 (1944).

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mated their needs at 48,600 acres of land for housing, of which they already held about 24,000 in January, 1945. At that time, local housing authority programs had been drawn up for 250,000 houses.

Urgent housing requirements which must be met soon after the defeat of Germany are estimated at not less than half a million. To meet the difference between this need and the permanent houses to be built during the first two years, the Housing (Temporary Accommodations) Act, 1944, gives the Ministry of Works power to contract for about 250,000 prefabricated houses, to be made available to local authorities to help relieve the housing shortage in war-stricken areas. It is the responsibility of local authorities to secure the sites and to carry out the development, and it is suggested that, if possible, sites suitable for permanent housing later be selected. Large national grants will be made available to help meet the cost. In order better to assure their temporary nature, the Government plans to license temporary houses for a period of two to ten years. Several different types of prefabricated houses are being manufactured.

The protest which has arisen over this act is based on two points: that the proposed prefabricated houses are substandard, and that the national government should bear the entire cost of the houses. Meanwhile, it has been revealed that before the end of September local authorities had already applied for allocations of 74,496 of these temporary houses in England and 31,019 in Wales.

The problem of immediate repair of war-damaged housing and the providing of housing for people bombed-out continued during 1944. The most pressing problem was the damage caused by the flying bombs. The London area was hard hit, and in order to meet the situation between July and the middle of September, the building labor force in London was more than doubled. Repair work in London during September was done at the rate of 30,000 houses a week. The Ministry of Works supplies local authorities with special repair services, while the Ministry of Health supervises and directs their "first aid" repairs.

There has been criticism of the Government in some quarters for not making more use of billeting and requisitioning powers in order to solve the housing problem of those who have been bombed-out. Houses reserved by local authorities for those rendered homeless by enemy action have not been sufficient to solve the problem, although 4,000 vacant and many more partially-vacant houses were being reserved for this purpose in April, 1944.

Public Works: In a statement of the Government's post-war highway policy before the House of Commons, it was said that the Government intended, in consultation with county councils, to introduce legislation which would substantially increase the existing mileage of trunk roads, controlled by the Ministry of War Transport since 1937. As for public

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works generally, the Chancellor of the Exchequer has proposed a post-war policy for local governments which would centrally control and time all borrowing for capital expenditures by providing that, with certain exceptions, local authorities might "borrow only from a central source which will be supplied with the necessary funds by the Treasury."[5] These proposals have been incorporated into a Local Authorities Loans Bill. Claims may be filed with the War Damage Commission on war damage to such public works as highways and roads.

Airports: Extension of national airports for civilian use is likely after the war; even the Association of Municipal Corporations has recommended that airports for transocean business be made a responsibility of the central government. The exact division between national, local, and military airports has not yet been determined. However, the Director-General of Civil Aviation has stated that preliminary to the formation of national policy for airport development, a survey of the potentialities of existing civil airports and wartime airports which will not be needed for the RAF's needs after the war has been begun. Full consideration is being given to the form of organization of airport administration, and to the problems of compensating local authorities in cases where local airports are taken over in whole or in part by the national government.

Health: Extension of health services plus modification of health administration is proposed in the Government's White Paper, "A National Health Service," issued in February, 1944.[6] The purpose of providing for all who want it, regardless of personal means, comprehensive medical and health services has been widely approved. Methods of administration have been the subject of more disagreement.

The administrative organization proposed provides for a large degree of central supervision together with local administration. The Minister of Health, with the advice of a Central Health Services Council to represent professional views, would be in charge of the new program. A Central Medical Board, also largely professional in its membership, would be, under the general direction of the minister, a central executive agency charged with responsibility for contracting with medical men in bringing them into the service and for concerning itself with the distribution and welfare of them.

Local administration would be centered on joint authorities of two or more counties and county boroughs. A fairly large board, with members representing county and county borough councils, would be the govern-

[5] For the Exchequer's memorandum, see *Municipal Journal*, Vol. 52, p. 1295 (1944). For a discussion of the proposal, see *National Municipal Review*, Vol. 33, p. 498 (1944), and *Municipal Journal*, Vol. 53, p. 123 (1945).

[6] For a summary of the White Paper's proposals, see *Municipal Journal*, Vol. 52, pp. 297 and 341 (1944), and *Public Administration*, Vol. 22, p. 87 (1944).

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ing body. Only in a few cases would a county or a county borough provide an adequate area for the operation of a full hospital service of all kinds. The minister is to designate joint areas.

The joint authority is to be a planning and an executive agency. It is to develop an area plan of health service which must meet the approval of the minister. For local professional advice on technical matters, there would be in each area a Local Health Services Council. In general, the joint authorities would administer all hospital and consultant services. In doing so, they would contract with existing municipal and private hospitals, if any were situated in the area. It would be the responsibility of counties and county boroughs individually to provide local clinic and domiciliary services, subject to the general plan. Child welfare services, while subject to the general area plan, would be the responsibility of the local education authorities under the new Education Act, 1944. All services would be subject to central inspection. The cost of this expanded health service would be met by local rates, national grants, and possibly by social insurance contributions.

Objections to the White Paper have been based largely on its administrative provisions. Inadequate consideration, it is charged, has been given to the metropolitan borough councils in the London area. Some feel that, in general, the plan divides the administration of health services between the joint authorities and counties and county boroughs, resulting in an unreal, arbitrary, and undesirable division. It is said that the joint authorities should be only planning agencies without executive duties. The position of the practitioner and of the private hospital is also criticized.

Sanitation: The Food and Drugs (Milk and Dairies) Act, 1944, transferred to the Minister of Agriculture the powers (formerly exercised by local authorities) of control over conditions under which milk is produced on the farm. Local authorities retain control of distribution of milk from the farm to the consumer. Proposals for reorganizing sanitary administration as a whole have not been commented upon officially, but even local sanitary officers have called for vigorous central supervision.

Welfare: The issuance of a White Paper on Social Security marks the beginning of the end of most of the remaining functions of local public assistance committees.[7] The White Paper provides for a comprehensive system of social insurance covering health, unemployment, compensation for industrial accident and disease, widows and orphans pensions, old age pensions, family allowances, and death grants. To administer the new system, a Ministry of National Insurance is proposed, which would administer all the services mentioned through its own national, regional,

[7] A discussion of the ways in which the White Paper affects local government may be found in *Local Government Service*, Vol. 23, p. 203 (1944).

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and local offices. About the only welfare functions left to local authorities besides those included in the health services would be indoor relief for orphaned and deserted children and for old persons who need it.

Education: The administration of education in England was extensively altered by adoption of the Education Act, 1944.[8] Its main effect on local government was to provide that, effective April 1, 1945, the councils of counties and county boroughs should in most cases be the local education authorities for nursery schools and for primary, secondary, and further education. Thus the provision of the Education Act, 1902, that councils of non-county boroughs with a 1901 population of over 10,000 and councils of urban districts with a population of over 20,000 should be local education authorities for purposes of elementary education was repealed. Also, education services have been enlarged not only by raising the school-leaving age, but also by the mandatory provision or extension of nursery schools, schools for the handicapped, and technical and vocational training. Educational and recreational centers for adults and leisure-time activities of children are to be concerns of educational authorities.

Two other provisions affect the area of administration. Joint authorities may be created by the combining of areas. The new Minister of Education (replacing the Board of Education) has already indicated that he proposes to apply this provision in certain cases. Both primary and secondary education functions may be delegated in county areas (but not county-borough areas) to two different types of authority. Divisional education executives for individual districts or groups of districts composed of members representing the local education authority and the county district councils may be utilized. Certain non-county borough and urban district councils were permitted to petition the minister through the county council to be excepted from the county's plan of secondary and elementary education by October 1, 1944. However, only local education authorities can borrow money or impose a rate for education, and on them rests the responsibility for formulating the area's education policy.

Naturally, the Act provides for the transfer of property, officers, and liabilities of the existing local education authorities to the new ones. Other sections of the measure require that each local education authority shall prepare a plan of action for making sufficient primary and secondary schools available. Such a plan is to be submitted to the minister, and after making a decision, he is to issue a local education order specifying the schools to be maintained by the local authority and its duties in seeing that sufficient primary and secondary schools are available. The order, if the local education authority protests, must be laid before Parliament, with power for either house to require the order to be annulled. The minis-

[8] For a summary of the Act's provisions, see *Municipal Review*, Vol. 15, pp. 7, 201, and 209 (1944).

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ter has further power in that he may prevent what he considers to be an unreasonable exercise of functions by local education authorities or officials in any matter in which they have discretion. Exchequer grants for education are provided.

Libraries: The Library Association of England has proposed that special library areas be formed so as to be ideally suited for library administration. Outside of the Association itself, this proposal has been vigorously opposed, and no official support for it has been forthcoming.

Water Supply and Sewerage: Proposals to extend national and regional control of water supplies and related matters and to subsidize rural water supplies and sewerage have been put forth in a White Paper on Water Policy.[9] Powers of initiative and direction in the central planning and conservation of water supplies would be given the Minister of Health, and to aid him central and regional advisory water committees, the latter containing local government representatives, would be established or given greater power.

As to local units of administration, consolidation of small utilities would be encouraged and, if necessary, enforced by the minister in order to secure efficiency and economy; and county councils would be able to become members of joint water utility boards. These parts of the White Paper have been incorporated in the Water Bill, 1945.

Other aspects of the proposal are that all matters affecting rivers except water supplies be centralized in the Ministry of Agriculture and Fisheries and administered by 29 river boards, which would take over the land drainage functions of the existing catchment boards, the pollution powers at present exercised by about 1,600 separate authorities, and the control of fisheries.

The section of the White Paper providing for national and county grants for the extension of piped water supplies and sewerage in rural areas has already been passed as the Rural Water Supplies and Sewerage Act, 1944. Three million of the ten million rural residents do not have a piped water supply at present.

Criticisms of the White Paper have been made because it would provide for no nationally interconnected system of water supply, because it would divide responsibility over water and rivers between two ministries, and because, through grants, urban areas would have to subsidize rural areas.

Electricity and Gas: Since June, 1942, the Minister of Fuel and Power has had under consideration a motion submitted to the House of Lords inquiring, "whether with a view to maximum efficiency in the national interests they (H. M. Government) are giving immediate attention to the future constitution, control, and management of the essential public

[9] For a summary of this White Paper, see *Municipal Review*, Vol. 15, p. 118 (1944).

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services." In July, 1944, the minister stated that questions of national standardization of voltages and electric supplies and of the reorganization generally of the electricity supply were receiving the active consideration of the Government. Meanwhile, various organizations have made their views known to the minister. A joint statement by associations of municipally-owned and privately-owned utilities calls for a compulsory uniform rate, supply and voltage standardization, and more attention to rural electrification. The association of municipally-owned utilities and the Labor party have put forth varying schemes of public ownership. In general, a nationally interconnected system, together with some regionalization, is viewed with considerable favor.

The Ministry of Fuel and Power has appointed a committee to "review the structure and organization of the gas industry, to advise what changes have now become necessary in order to develop and cheapen gas supplies to all types of consumers, and to make recommendations." A greater degree of integration of gas utilities is agreed upon as desirable, but different groups propose different means to this end. The private utilities propose that municipally-owned systems be taken over by private companies; the Labor party proposes nationalization; while the Association of Municipal Corporations feels that as a general policy local government should own and operate public utilities.

The permission given by the Home Office in September for "dim-out" lighting created problems for local authorities, since the provision of dim-out lighting entails expenditures for special equipment. As a result, many communities have not adopted the new system.

Public Safety and Civilian Defense: Throughout the war, the police have remained under the control of local authorities. Certain compulsory local mergers were made in April, 1943, but it was stressed that these were wartime measures only. More recently, there have been rumors that the Government plans to centralize or regionalize the police. The Home Secretary has assured local authorities that this is not true. However, he has indicated that plans are being developed for some changes in the police services in the postwar period. Most of these plans concern modernization and more central supervision of local police forces. One question which has arisen as a result of the war is the permanent place of women in local police.

The 1,451 local fire departments were temporarily nationalized in 1941 for defense purposes into 42 fire forces constituting a National Fire Service. Likewise organized was a Fire Guard to watch for fires and to use simple equipment in putting out the smaller ones. Proposals concerning the postwar disposition of both of these services were made frequently during 1944. As to fire departments, some are in favor of the pre-war plan, others propose regionalization through joint authorities, while still

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others want to retain nationalization. There have been suggestions that Fire Guards be retained, especially in rural areas where they could control many fires against which there otherwise would be no protection. Meanwhile the Home Secretary invited representatives of local authority associations to meet with him to discuss the future of the National Fire Service. At the ensuing conference, Mr. Morrison said that he thought a return to the numerous separate pre-war fire departments would be a retrograde step. Short of a national service, he believed that *ad hoc* units would best serve the interests of fire protection.

In unofficial circles, there has been discussion of whether a skeleton civil defense organization might not be permanently retained and made a part of local government or of local administration by the central government. This question was specially emphasized by the events of the last few months of 1944 during which it became possible sharply to reduce civilian defense personnel. If such organization is maintained, some have pointed out that it could be given such functions as helping to promote traffic safety. Emergency ambulance services could, it is said, be merged with the regular ambulance services of local authorities.

Other War Activities: There have been many special war activities such as salvage drives in which local governments have had a part. It is not intended to present a summary of wartime activities here, but rather to discuss those which had some special significance in 1944. Problems of evacuation and of return to evacuated areas presented themselves during that year. Most of the area of England and Wales came under orders of the Minister of Health permitting a return to evacuated areas. Local authorities, reimbursed by the central government, are to pay the return transportation costs of the evacuees. The resulting excess evacuation equipment (such as bedding) is to be used for more generous equipment for those still billeted; if any excess remains, it is to be reported to the Ministry of Health. In some districts, a moratorium has been in effect on rents and rates for those compulsorily evacuated; settlement of moratorium debts must be made upon return.

There was much discussion during 1944 over the question of whether British restaurants shall be made a permanent part of local government. Begun in London during the 1940 air raids as emergency services, the restaurants have grown in number to over two thousand and no longer serve purely emergency purposes. Although their administration varies widely, most of them are controlled by the local authority in whose area they are, subject to central supervision. As yet, no official statement has been made on the matter, but many believe that at least some are likely to be permanent. Another food service, the school lunch program, greatly augmented by the war, will not be curtailed, but further expanded if the proposals in the Government's White Paper on Social Security are followed.

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Agriculture: The agriculture committees of rural county councils will lose some power and prestige if proposals to establish independent centrally-controlled land improvement committees in each county in the postwar period prevail. During the war, county war agricultural committees, independent of the counties and centrally controlled, have been performing functions relative to agricultural production. Similarly, the postwar committees would have powers relating to the efficient farming of the land.

III

The several developments during 1944 in the services performed by English local governments form a consistent pattern of trends. Among the more obvious of these are the trends toward more national government supervision and more direct administration of services by the national government. These tendencies evidence themselves in nearly every function examined. On the other hand, the performance of more and more services by local governments is also evident. Planning, housing, health, education—all present challenges to local authorities in the immediate and postwar periods.

As with administration, so too with finance. In the future, local governments will receive much larger grants from the central government. Yet the burden on local rates will be greater than ever. Some examples of the increased costs of local government are those of land acquisition for war-damaged areas, estimated at £575,000,000, and the cost of the new health services plan, estimated at £132,000,000, a year. A future rise in rates of as much as thirty per cent has been estimated as necessary unless a more drastic modification of financial relations between central and local governments is effected. According to the Chancellor of the Exchequer, such a reorganization is being planned by the Government.

A limited amount of regionalism, extensive use of joint authorities, and larger local units are all points of stress in recent developments. A tendency toward regionalism is observable in the White Paper on Water Policy and in discussions of postwar developments of electric utilities and fire services. Joint authorities have been proposed to administer the health services plan, and they are permitted under the new Education Act. Indeed, during the last few years joint authorities have been increasingly used to administer a wide variety of functions.[10] The greater use of the larger units of local government, counties and county boroughs, and the progressive loss of functions by county districts and non-county boroughs are underlined by the Education Act. A long-run trend toward county districts fewer in number and larger in area during the last fifteen years is also in evidence.[11]

[10] See *National Municipal Review*, Vol. 33, p. 644 (1944).
[11] *Ibid.*, Vol. 33, p. 569 (1944).

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It is interesting to observe that one of the persistent objections to various Government proposals voiced by local governments and associations has been that by making such proposals the Government has been attacking the problem of the postwar status of local authorities piecemeal. What is needed first, they contend, is an over-all consideration of the future organization and status of local government. Partly as a result of this criticism, the Minister of Health held discussions with representatives of the local government associations on the status, functions, and boundaries of local government areas; and at the close of the year a White Paper, "Local Government in England and Wales during the Period of Reconstruction," was issued on the basis of which legislation is to be introduced in the current session of Parliament.[12] The proposals in the White Paper are extensions of the trends which are already in evidence. A central commission would be appointed to consider all questions concerning boundary revisions, thus facilitating the trend toward larger local units. As to the performance of services, the transfering of functions to the central government, while opposed as a general policy, would not be ruled out entirely, "if on merits a good case can be shown for this course." A gradual extension of joint authorities is suggested, although "to proceed in this way does not rule out ultimate integration of the joint bodies in any area into a single compendious unit, if experience should show this to be desirable." Financial problems of local units would be met by an extension of national grants.

Describing trends is much more simple than explaining them. The causes of change frequently, as in this case, are complex. Certainly there is a more social viewpoint arising in England—a trend to the left. The near-sweeping planning, housing, health, and welfare proposals could not have been put forward if this were not true. Social rights are considered paramount over private ones, and the conception of social rights is becoming increasingly broadened. This trend has resulted in a great increase in the number and in the complexity of government functions, central and local. And as government becomes more complex, more supervision is usually necessary.

The war not only has perhaps augmented the trend to the left, but also has had more immediate effects on local government. It has added to and modified the administration of services. Some of these changes are likely to be permanent. Thus the administration of fire services may be permanently modified, while certain functions of civilian defense, and even locally-owned restaurants, may be added to local government. Due to damage caused by enemy action, the war has radically altered postwar planning and housing problems.

[12] For a summary of the White Paper's provisions, see *Municipal Journal*, Vol. 53, pp. 7–8 (1945). For more extended discussion of the White Paper, see "Local Affairs Abroad," in *National Municipal Review*, May, 1945.

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As local governments come to administer more functions, the desirability of adequate units becomes greater. Even the standard of adequacy itself changes. These factors perhaps in part explain the tendencies toward regionalism, joint authorities, and larger units. More slowly and to a lesser extent, county districts, especially rural ones, seem to be following the path of the parishes, which had already practically disappeared as units of government before the war.

A change in the units of local government and the stifling of local self-government are two different things. Charges that the central government is impairing local self-government have in many instances come from those with special interests in the parishes and in the county districts. They have protested against the process of taking away functions from these units. In observing a trend toward larger units, they are quite correct. In appraising the net effect, they are, in the opinion of the writer, mistaken, unless local self-government is restricted to mean retention of units of government unable to perform efficiently services which are demanded because of inadequate areas.

The objection to joint authorities as undemocratic has a different basis. Joint authorities are controlled by the electorate only through indirect election. Their governing bodies are made up of representatives of the councils of other units of government, such as counties, county boroughs, or county districts. While local government administration by this means may not be ideal, it does permit retention of existing areas of local government while making possible a more adequate area for the administration of individual functions. As long as indirect election is restricted to one layer, it is not likely greatly to impair democratic control. Those who press the Government for over-all reorganization of local government so that a system of adequate all-purpose authorities may be set up do, however, have a point.

There remain to be considered objections to more central supervision, grants, and administration. As to the last of these, it has already been pointed out that local governments are performing more, not less, functions than before the war. As long as this is true, local government will not suffer unduly. Even the most ardent advocates of local self-government are constantly demanding greater grants for the many services of local governments in order to ease the strain on rates. Admittedly, the problem of local-government finance is a difficult one. Finally, more central supervision is to be expected as local services become more numerous and complex and more interwoven with the national welfare.

The picture, then, is not one of the withering away of local government. It is rather one of adjustment of services and responsibilities to meet the needs of a new era.

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INTERNATIONAL AFFAIRS

SOVEREIGNTY UNDER LAW: A POSSIBLE REDEFINITION OF SOVEREIGNTY IN THE LIGHT OF LOCKE'S THEORY OF LIBERTY

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Does the concept of sovereignty under law necessarily involve a self-contradiction? That it does, has admittedly been held by the great majority of careful thinkers from the time of Hobbes to the present day.[1] Nor has this been inconsequential. The belief that submission to an enforceable law would be a surrender of sovereignty has been a most potent obstacle to the substitution of the law court for the battlefield in the determination of international disputes. On the other hand, it is generally conceded that for the individual the only liberty worth seeking is liberty under law. It is the thesis of this article that sovereignty under law for the state is no more absurd than liberty under law for the individual.

The term "sovereignty" has been variously and elaborately defined, but for present purposes its essential elements may be listed as authority, equality, and liberty. The first-named attribute—authority—has its great importance in the field of constitutional law, which postulates that in every state there is some agency or combination of agencies possessed of the authority to control everything within the state. However, it is well known that the rise and spread of constitutionalism and federalism have rendered the concept of sovereign authority increasingly mystical. Even in Great Britain, the old simplicity of the sovereignty of "King in Parliament" has been complicated by the Parliament Act of 1911, and especially by the Statute of Westminster of 1931. To be sure, it is easy enough to visualize sovereign authority in a dictatorial régime, but this arouses no envy on the part of those who enjoy other forms of government. When voices are raised decrying the possible loss of the sovereignty of the United States, there is not the slightest suggestion that the final authority in our sovereign union should be more narrowly localized. (It may be observed in passing that we frequently encounter the opposite demand that the powers now concentrated in the presidency be shared with other organs of government.)

When it comes to the sovereign characteristic of equality, we have an attribute much more popular than that of authority. Especially is the concept of equality cherished by those states which most obviously lack

[1] However, see Professor Shotwell's position, *infra*, p. 353.

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equality with their neighbors in one or more of the factors of population, territorial extent, wealth, and military strength. What kind of equality is claimed by these unequals? In the opinion of the present writer, the "equality" of a sovereign state is neither more nor less than the privilege of acting and being counted as an individual entity. The small but "equal" state need not participate in every international conference, but no other state may, without authorization, presume to act as its guardian and spokesman at such conference or elsewhere. In this sense of the word "equality," a minor child lacks equality, but a wife in the United States today is the equal of her husband—this latter in striking contrast to the subordination of the wife under the old common law doctrine of coverture. The substitution of representative government for direct democracy does not impair the equality of individual citizens, nor would the establishment of a small representative international council impair the equality of the states electing representatives, even if a few large states should enjoy permanent membership on the council.

It is the third component of sovereignty—liberty—that proves the well-nigh insuperable obstacle in attempts to organize sovereign states into a system of international law and order. Sovereignty is said to necessitate complete freedom from all restrictions, even from that of being judged by an impartial judge on the issue of observance of voluntarily assumed obligations. That is, the sovereignty or liberty of the independent state is the "natural liberty" that Hobbes describes as "the liberty each man hath to use his own power as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing anything which in his own judgment and reason he shall conceive to be the aptest means thereunto."[2] The liberty of the sovereign state is the liberty to wage war and to live a life that is "solitary, poor, nasty, brutish, and short."[3] To be sure, Hobbes himself hesitates to apply his own characterization of liberty to the international sphere. He declares that "kings, and persons of sovereign authority, because of their independency, are in continual jealousies, and in the state and posture of gladiators . . . . But because they uphold thereby the industry of their subjects, there does not follow from it that misery which accompanies the liberty of particular men."[4] Yet his argument leads, at least in this day of total war, to the conclusion that "absolute, unqualified and unchecked sovereignty is a conception of anarchy."[5]

If anarchy is the substance of liberty, it is clearly profitable to exchange liberty for the security contingent upon subordination to law. So reasoned Hobbes in the middle of the seventeenth century, and so reasons a twentieth-century authority—Professor Corwin—who writes, "*When*

[2] *Leviathan*, c. xiv. [3] *Ibid.*, c. xiii. [4] *Ibid.*
[5] Shotwell, *The Great Decision* (1944), p. 202.

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Total War is the price of Total Sovereignty, the price is too high."[6] Similarly, the late Wendell L. Willkie, in one of his very last articles, urged that "nations must agree to joint responsibilities and to limitation of individual freedom of choice in certain specific situations . . . . To be realistic, we should say frankly: 'We are exchanging this small measure of our traditional sovereignty for the greater good of preventing wars among men'."[7]

In this article, Willkie poured scorn upon the attempts of the Republican[8] and Democratic[9] platforms to advocate the prevention of war without relinquishment of national sovereignty. We read: "Both platforms and both candidates used the term 'sovereign' to indicate something that must be securely guarded, lest we lose our independence as a nation. And in so using it, they were deliberately trying to soothe the fears of those people who do not want us to give up a single selfish advantage for the sake of a common good. We are presented with an extraordinary proposition: We are jealously to guard our sovereignty; other nations are likewise to guard their sovereignty; but somehow all nations are to be welded together into an international organization with the *power* to prevent aggression and preserve peace."[10] This scathing denunciation not only includes the leaders of both major parties but by implication condemns as well the fourth point[11] of the Joint Four-Nation Declaration of the Moscow Conference of 1943, the phrases of which were incorporated, with only trifling change, in the Democratic platform. Furthermore, the tentative security plan approved at Dumbarton Oaks and made public on the morrow of Willkie's death is open to similar attack. This plan looks toward an international organization "based on the principle of the sovereign

[6] Corwin, *The Constitution and World Organization* (1944), Epilogue.

[7] "Cowardice at Chicago," *Collier's*, Sept. 16, 1944, p. 77.

[8] The Republican platform announced: "We favor responsible participation by the United States in a postwar coöperative organization among sovereign nations to prevent military aggression and to attain permanent peace with organized justice in a free world. Such organization should develop effective coöperative means to direct peace forces to prevent or repel military aggression."

[9] The principal Democratic planks on international relations were: "We pledge to join with the other United Nations in the establishment of an international organization based on the principle of the sovereign equality of all peace-loving States, open to membership by all such States, large and small, for the prevention of aggression and the maintenance of international peace and security. . . . Such organization must be endowed with power to employ armed forces when necessary to prevent aggression and preserve peace."

[10] *Supra*, note 7.

[11] The four powers "recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving States, and open to membership by all such States, large and small, for the maintenance of international peace and security."

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equality of all peace-loving states"[12] and designed to "maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace."[13]

Granting that Willkie's denunciation of "cowardice at Chicago" may have been richly deserved, is duplicity inherent in the expressed intention to attain both sovereignty and security? It would seem that there is inconsistency if, *but only if*, the sovereignty of the state necessarily implies liberty in the absolute Hobbesian sense of the term. But in no other field of thought is the term "liberty" so used. In constitutional law, the "freedom" of the First Amendment and the "liberty" of the Fifth and Fourteenth Amendments are without exception held to be subject to implied limitations. As for political theory, practically all writers from the days of Hobbes' younger contemporary Locke have distinguished between "liberty" and "licence," praising the one and condemning the other.[14]

Why should we not make a similar distinction between "sovereign independence" and "Hitlerism"? This is almost exactly what Professor Shotwell proposes in his recent book entitled *The Great Decision*. He writes: "Now let us be quite clear about the question of sovereignty. Absolute, unqualified, and unchecked sovereignty is a conception of anarchy. No civilized nation is free to do whatever it wants to without regard to the rights of other nations, committing acts of cruelty against their citizens, stealing their property, or otherwise conducting itself as a lawless state. International law is more than a philosophy to be taught in the schools. Every government knows that it is a member of a community of nations with well recognized rules of conduct, and is subject to the obligations in order to be entitled to the advantages of this membership. These advantages cover the whole range of international contacts, and every time a nation oversteps the mark by attempting to assert its absolute sovereignty without regard to the interests of other nations, it not only endangers its place among them, but it lessens its economic opportunities because other people no longer rely upon its word. It is time that the politicians understood this fundamental fact and stopped talking about national sovereignty as though there were no limits to it. Its limits are real and advantageous because all other nations live under the same conditions."[15] There could hardly be a better parallel to Locke's proposition that men in a state of nature are in "a state of perfect freedom to

[12] *Proposals for the Establishment of a General International Organization*, c. II, par. 1. [13] *Ibid.*, c. I, par 1.

[14] Locke's own distinction is found in his *Second Treatise on Civil Government*, c. II, par. 6. [15] *Supra*, note 5, pp. 202–203.

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order their actions, and dispose of their possessions and persons as they think fit . . . without asking leave or depending upon the will of any other man," but only "within the bounds of the law of nature."[16]

Once it is granted that liberty is subject to limitation even in the state of nature, and that sovereignty is limited even in an unorganized world community, it follows easily that liberty is more effectively enjoyed in a civil state and sovereignty in an international organization. The argument that we should aim at "sovereignty under law" cannot be better clinched than by asking the reader to adapt to the international sphere the following familiar passages from Locke's "Second Treatise on Civil Government": "If man in the state of nature be so free as has been said, if he be absolute lord of his own person and possessions, equal to the greatest and subject to nobody, why will he part with his freedom, why will he give up his empire, and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others. . . . It is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties and estates, which I call by the general name—property.

"The great and chief end, therefore, of men uniting into commonwealths, and putting themselves under government, is the preservation of their property; to which in the state of nature there are many things wanting.

"Firstly: there wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them. For though the law of nature be plain and intelligible to all rational creatures, yet men, being biased by their interest, as well as ignorant for want of study of it, are not apt to allow of it as a law binding to them in the application of it to their particular cases.

"Secondly: in the state of nature there wants a known and indifferent judge, with authority to determine all differences according to the established law. For every one in that state being both judge and executioner of the law of nature, men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat in their own cases, as well as negligence and unconcernedness to make them too remiss in other men's.

"Thirdly; in the state of nature there often wants power to back and support the sentence when right, and to give it due execution. They who by any injustice offend will seldom fail, where they are able, by force to

[16] *Second Treatise on Civil Government*, c. II, par. 4.

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make good their injustice. Such resistance many times makes the punishment dangerous, and frequently destructive to those who attempt it."[17]

"But though men when they enter into society give up the equality, liberty, and executive power they had in the state of nature into the hands of the society, to be so far disposed of by the legislative as the good of the society shall require, yet it being only with an intention in every one the better to preserve himself, his liberty and property (for no rational creature can be supposed to change his condition with an intention to be worse), the power of the society or legislative constituted by them can never be supposed to extend farther than the common good, but is obliged to secure every one's property by providing against those three defects above mentioned that made the state of nature so unsafe and uneasy."[18]

[17] *Ibid.*, c. IX, pars. 123–126.
[18] *Ibid.*, par. 131.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Two committees of the American Political Science Association which are reconstituted annually have been appointed by President John M. Gaus for 1945. The new Committee on the Nomination of Officers consists of Robert E. Cushman (Cornell University), *chairman*, Thomas S. Barclay (Stanford University), Phillips Bradley (Queens College), Frank W. Prescott (University of Chattanooga), and Lloyd M. Short (University of Minnesota). The new Committee on Program consists of Pitman B. Potter (Graduate School of the American University), *chairman*, Ernest S. Griffith (Library of Congress), and John M. Gaus (University of Wisconsin). Changes in the membership of other committees will be announced later.

Dr. Westel Woodbury Willoughby, who in 1933 retired after more than three decades of distinguished service at Johns Hopkins University and in other connections, died at his home in Washington on March 26 at the age of seventy-seven. A memorial will appear in the next issue of the *Review*.

Dr. Max Lerner, formerly of Williams College, has lately been with the 9th Army on the Western Front as chief correspondent for *PM*.

The Gaspar G. Bacon Lectures at Boston University were given on March 19–23 by Miss Louise Overacker, of Wellesley College, on the general subject of "Presidential Campaign Funds."

Professor Phillips Bradley, of Queens College, delivered a series of lectures at Occidental College, Los Angeles, during the first two weeks of April under the title of "The Political Basis of Industrial Relations." In addition, he gave a number of addresses to community, labor, and management groups in the Los Angeles area.

The semi-annual meeting of the Academy of Political Science held at the Hotel Astor, New York City, on April 4 was devoted to the general subject of "World Organization—Economic, Political, and Social." The opening session, on "The Enforcement of International Security," was presided over by Professor Grayson L. Kirk, of Columbia University, and was addressed (in addition to Professor Kirk) by Professors Arnold Wolfers, of Yale University, and Harold H. Sprout, of Princeton University.

During the spring quarter at the University of Chicago, Professor

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Charles E. Merriam is delivering a series of Walgreen Foundation lectures on the general subject of "Government and the Economic Order in the United States." A simultaneous Walgreen series, by Professor Carl B. Swisher, of John Hopkins University, deals with "The Growth of Constitutional Power in the United States."

Miss Alona E. Evans, candidate for the doctor's degree at Duke University in June, has been appointed to an instructorship at Wellesley College.

Professor John M. Gaus, president of the American Political Science Association, is on leave from teaching at the University of Wisconsin during the second semester, but is remaining in Madison for research and writing.

Dr. Charles A. Beard suffered an attack of pneumonia in February and spent some weeks in the Roosevelt Hospital in New York City, but is now recovered.

Professor Raymond G. McKelvey, of Occidental College, represented the American Political Science Association at the observance of the twenty-fifth anniversary of the founding of the Graduate School of the University of Southern California on January 25–28, at Los Angeles.

Dr. John W. Lederle, formerly of Brown University, has taken up his duties as assistant professor of political science at the University of Michigan. He is also serving as consultant to the special United States Senate committee studying 1944 election campaign expenditures.

Since the collapse of Italian Fascism, Dr. Angelo Piero Sereni, for several years resident in the United States, has been reinstated in his professorship of international law at the University of Ferrara. At present, he is offering a course at the New School for Social Research on the legislative system of democratic Italy.

Sgt. Dale Pontius has been assigned to the Philippine Research and Information Section, Headquarters USAFFE, "somewhere in the Philippines."

Professor Frank H. Jones is on leave from the University of New Mexico for service with the Armed Forces and is giving or administering all Army and Signal Corps tests at Camp Crowder, Missouri.

Major Karl C. Leebrick has been relieved of assignment overseas and is now assigned to Civil Affairs Staging Area, Presidio of Monterey, California. He was formerly assigned to the U. S. Group CC in England.

Dr. John Brown Mason, on leave from Fresno Junior College, has left

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the State Department to go to the Foreign Economic Administration as chief of its Training Division. Besides the more common types of in-service training, FEA provides extensive preparation for its officials and employees who go into the foreign field. Dr. Mason, who was recently appointed chairman of the Inter-Agency Committee on Coöperation in Foreign Service Training, has the special task of setting up a training program for FEA officials who will go to occupied Germany and Austria to administer economic controls. A Far Eastern program will follow.

An Institute of Central-Eastern European Affairs, with Professor Joseph S. Roucek as director, has been founded at Hofstra College, Hempstead, Long Island. The specific purposes of the Institute are: (1) to accumulate and correlate information regarding the culture, history, economics, and arts of the nations of the region, and of their descendants in the United States; (2) to serve as a depository of publications regarding these countries; (3) to assist in the training of students in an area neglected in the past; (4) to assist the community in promoting a better understanding of this region; (5) to sponsor conferences and discussions on subjects relevant to this field; and (6) to publish scholarly studies in the field.

The fifth annual Southern Institute of Local Government was held at Nashville, Tennessee, on November 10, 1944. The proceedings, published in the *University of Tennessee Record*, Vol. 48, No. 1, include a paper on "Municipal Problems in the Reconversion Period," by Walter J. Mathison, city attorney of Milwaukee; a second, on "State and Local Taxation of Federal Property," by Professor Roy G. Blakey, of the University of Minnesota; and a third, by Harold I. Baumes, executive secretary of the League of Virginia Municipalities, on "Administrative Reforms Possible in Southern Counties."

The Empire Parliamentary Association in the Houses of Parliament, London (United Kingdom Branch), has reprinted the two articles by H. Duncan Hall which appeared in the December, 1942, and October, 1944, issues of this REVIEW. The reprint entitled "The Community of the Parliaments of the British Commonwealth and the Congress of the United States," has been circulated to parliamentarians (including cabinet ministers) in the thirty-three British Commonwealth parliaments linked by the Association.

The National Council for the Social Studies announces the publication of (1) *The Social Studies Look Beyond the War*, a statement of policy prepared by an advisory commission of 155 leading teachers in the social studies field and formally accepted and endorsed by the Council at its twenty-fourth annual meeting in Cleveland, and (2) *Adapting Instruction in the Social Studies to Individual Differences*, edited by Edward Krug and

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G. Lester Anderson, and being the Council's fifteenth yearbook. Both publications may be procured from the Council's headquarters at 1201 Sixteenth St., N. W., Washington, D. C., the former at ten cents a copy, the latter at two dollars.

The Santa Barbara Government Reference Center is a recent development in the field of legislative reference service for local governments. Organized in 1941 by the director, Mackenzie Brown, associate professor of political science at University of California, Santa Barbara College, it is now playing an active part in projected charter revisions for the city of Santa Barbara, Calif, and in local tax programs. While primarily concerned with municipal affairs, it has also been designed as a clearing house of the Santa Barbara region for documents, reports, surveys, and information on governmental problems at four levels—federal, state, county, and municipal; and it has attempted to further coöperation between different levels in the solution of matters in overlapping jurisdictions.

The Michigan Institute of Local Government, under the chairmanship of D. Hale Brake, state treasurer, held a conference for the newly elected county officers at Michigan State College, December 18–20, 1944. The sponsors for the College were the Short Courses Office, directed by Ralph Tenney, and the department of public administration, headed by Professor William H. Combs. Participating in the conference were the county clerks, drain commissioners, prosecuting attorneys, registers of deeds, sheriffs, and treasurers. At the general sessions, the larger problems of state and local governmental relationships were discussed by Governor Harry F. Kelly, State Superintendent Eugene B. Elliott, Dr. Robert S. Ford, formerly director of the Bureau of Government, University of Michigan, and now director of the Department of Business Administration in the state government, Dr. William H. Combs, Audley Rawson, state senator, and Louis Schimmel, director of the research staff, Tax Study Advisory Committee. Professor Albert Coates, Institute of Government, University of North Carolina, gave an address on the aims and objectives of an institute of government. The various groups of officials held sectional meetings at which outstanding county officials instructed the novitiates in the problems of their respective offices.

The most considerable contribution to government-document bibliography in the Latin American countries has been made by a number of catalogues or checklists published for the second Book Fair at Mexico City in the spring of 1943. The President of the Republic had requested the executive departments and other agencies of the government to prepare for this Book Fair catalogues of their own publications. Those of the Secretaría de relaciones exteriores and of the Secretaría de hacienda were

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the most comprehensive, and covered the entire period from the time of independence in 1821. That of the Secretaría de communicaciones y obias publicas covered the period from its establishment in 1891, and that of the Secretaría de la economía from its establishment in 1933. The volume on the Secretaría de defensa nacional was extensive. Other smaller ones dealt with the Departamento de salubridad pública, with the Academia nacional de medicina, with Secretaría del trabajo y previsión social, with the Secretaría de la asistencia, and with the Partido de la Revolución Mexicana, the official political party. A volume was also published for the Universidad nacional autonoma. In Guatemala, the Tipografia nacional published at the beginning of 1944 a *Catálogo general de libros, folletos y revistas* (pp. 352) printed by it for the government of Guatemala from the founding of the printing office in 1892 through 1943. The arrangement is chronological, but there is no index. Thus Guatemala is the only Central America country with so extensive, and such a recent, record of its official documents.

Under date of September 8, 1944, the *Journal official de la République française* for the provisional government under General Charles de Gaulle first appeared at Paris. The two-page issue bore the number 74. The date of the thirty-two-page final issue at Algiers bearing the number 73 was August 31, 1944. Numbering and pagination are continuous, and reprinting of the numbers distributed at Algiers in 1944 is being done at Paris as fast as facilities permit. The first numbers to be reprinted are those of August 10–31, 1944, containing texts of ordinances and decrees which immediately went into effect in continental France. The *Journal officiel* for September 8, 1944 (first one at Paris) contains the decision taken on August 26 of the commissars forming the provisional government of the French Republic to place their posts at the disposal of General de Gaulle, the president of the government. Under date of September 10, 1944, an ordinance established the make-up of the provisional government consisting of one minister of state and of twenty ministries as follows: Justice, Affaires étrangères, Intérieur, Guerre, Marine, Air, Economie nationale, Finances, Production, Agriculture, Ravitaillement, Colonies, Education nationale, Du travail et de la sécurité sociale, Des travaux publics et des transports, Postes, Télégraphes et téléphones, Information, Prisonnieres, Déportes et réfugies, Santé publique, and Afrique du Nord. The designation "Gouvernement provisoire de la République francaise" was adopted in place of Comité français de la liberation nationale by ordonnance of June 3, 1944, just a year after the establishment of the Comité.

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BOOK REVIEWS AND NOTICES

The Neo-idealist Political Theory; Its Continuity with the British Tradition. By Frederick Philip Harris. (New York: King's Crown Press. 1944. Pp. viii, 133. $1.50.)

Dr. Harris's central thesis is contained in the sub-title of this work. He is concerned to argue that British political idealism as it developed in the nineteenth century—above all in the works of Bradley, Green, and Bosanquet—was not the acceptance into English thought of a purely foreign doctrine derived from Germany, and especially from Hegel, but was rather a development to meet new conditions in industrial society of a long-lived and dominant British tradition. The idealists did indeed state their thought in part in German terminology and German form. Their logic and metaphysics also no doubt owed much to that inspiration. But they went back, as the German idealists themselves had done, to Plato and Aristotle, and so founded themselves on the very basis of Western philosophy.

In their social political thought, however, they followed English exemplars: they were not statists in the Hegelian sense, and their political theory, even in the case of Bosanquet, as he himself protested, was not intended as defense of the omnipotent state or glorification of English national power. Rather, they were concerned with the problem of the individual, with individual fulfillment of personality as ethical, under the conditions of an industrial society, and in a world where public power had of necessity to be used to achieve freedom for personal development if all persons were to be considered equally and democratically. Their concept of personality was indeed a social one, and they rejected the atomic and atomistic elements of utilitarianism and of *laissez-faire* just because these elements led to the impossibility of any doctrine of genuine development or fulfillment of the personality of man as social. Yet they were not as opposed to utilitarianism as is commonly imagined, especially if one takes the utilitarians, up to and including Bentham, at their best, and if one pays due attention to the later development of John Stuart Mill from a narrow to a broadened, and almost idealist, position. For the utilitarians, while defending the philosophy of hedonism and the doctrine of self-interest, were concerned with an enlightened hedonism, believed in the virtues of sympathy and of recognition of an ultimate good for self and others, and saw the value of state action to remove hindrances to human fulfillment.

On the other hand, for all their stress on the general pattern of ultimate identification of individual and state-society, and whatever the implications of the monistic logic and metaphysics of Idealism, the Idealists were empiricists, and even pragmatists, in dealing with particular social situa-

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tions, and genuinely accepted the criterion of utility, conceived in ethical terms, but used practically and realistically as a basis for legislation and social action. While some of them, as for instance Bosanquet, feared the use of state power in a way which would destroy individual freedom and responsibility, none of them, certainly, accepted the state as absolute master. They were, rather, advocates of positive social welfare legislation to equalize and to free individuals. Their defense of the state was ultimately a plea for the individual freed for development in society by the use of the power of the state as the chief organ thereof, and as a means to protect and encourage real personal activity.

They were, it is true, opposed to that perversion of utilitarianism which tied it up, as in the work of Herbert Spencer, with a doctrine of mechanistic evolution, ruthless, automatic, and unconcerned with the claims of personality. It was the work of Ritchie, pupil of T. H. Green, to develop a utilitarian Idealism whose object was to overcome the mechanistic doctrine of evolution, and to make that evolution purposive, thus synthesizing Idealism, with its frequent religious overtones, with science, and escaping the harsh individualism of the Spencerian thesis by means of an ethically purposive doctrine of development. This served Ritchie as a justification of a near socialism which would be compatible with the free person and would also allow an empirical approach to specific social problems.

Dr. Harris's objective is to redress a balance. It is avowedly not his intent to argue that Idealism was utilitarianism; nor yet is it his object to claim that the issues between the schools in the realm of logic, of epistemology, and of metaphysics are unimportant. What he does endeavor to show, and very successfully, is that an Idealist philosophy does not necessarily mean an omnipotent state and a subjected individual. Essentially he is arguing, not simply concerning the history of English ideas, but about the needs of our own world. His position is that the conflict of the schools is largely false; that, under the conditions which necessitate a social welfare state, it is only by a proper combination of Idealism, conceived largely in Aristotelian terms, with a careful but not philosophically or ethically ruthless Instrumentalism, that it is possible to solve the problem of conflict between political power and the free personality.

With this thesis, the present reviewer is in large agreement. He feels that, in revealing the specific British success in reconciling systematic logic, a profound sense of ethical obligation leading to a genuine democracy, and a thoroughly experimental and realistic attitude of common sense toward particular and practical problems, Dr. Harris is also effectively combating the tendency of the schools to lead to false issues and false antitheses. Indeed, his suggested implication is that for this country, too, such an approach is necessary and useful for dealing with our own social problems, and that a reconciliation between the Instrumentalism

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of Dewey and the Idealism of Hocking in the realm of social philosophy is not an impossible undertaking. Indeed, fundamental agreement already exists. Recognition thereof would lead to an effective alliance of liberal democrats for the achievement of purposes they share in common, and against common enemies, international and national.

THOMAS I. COOK.

University of Washington.

Pioneers in World Order; An American Appraisal of the League of Nations. EDITED BY HARRIET EAGER DAVIS. (New York: Columbia University Press. 1944. Pp. x, 272. $2.75.)

In spite of the non-membership of the United States in the League of Nations, almost three hundred Americans were associated with various League activities, some as members of the League Secretariat, others as members in their individual capacities of League committees and commissions, still others as official or unofficial representatives of the United States Government on League committees, commissions, and conferences. More than a hundred of these American servants of the League held conferences at Princeton in 1940 and 1943, at which they discussed ways and means of applying the lessons of their experience to present problems, and of enlightening the American public about that collective experience and its present implications.

The result is this book, which consists of carefully considered memoranda prepared by fifteen men and women intimately acquainted with the League of Nations and its ways, thoroughly expert in the League problems about which they write, and, as a result of their common experience, in general agreement on broad essentials of principle and organization. Arthur Sweetser writes on the general framework and experience of the League in relation to the preservation of peace; James T. Shotwell, on the problem of security; Laura Puffer Morgan, on disarmament; Manley Hudson, on the World Court; Carter Goodrich, on the ILO; Dr. Frank Boudreau, on the Secretariat and on the health work; Sarah Wambaugh, on the government of the Saar; Huntington Gilchrist, on the mandate system; Henry F. Grady, on the economic and financial organization and work; Mitchell B. Carroll, on double taxation; E. Dana Durand, on statistics and their use; Herbert L. May, on the regulation of narcotics; James G. McDonald, on the refugee problem; Elsa Castendyck, on social problems; and Malcolm W. Davis, on intellectual coöperation. In addition, there is a foreword by Raymond B. Fosdick, who was the League's first Under Secretary General, and a special foreword to the disarmament problem by Mary E. Woolley, who was a member of the American delegation to the League's Disarmament Conference. The editing of these papers has been competently done by Harriet Eager Davis, wife of Malcolm

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Davis and herself experienced in the League of Nations and its problems.

The listing of these names is sufficient to guarantee the excellent quality of the book. The papers together constitute a very real contribution, for they provide an informative, although summary, review by insiders of virtually the whole gamut of League activity, and this at a time when the American public is clearly eager for accurate information about that noble experiment in international government for whose failures we in the United States must bear a heavy share of responsibility. These fifteen "pioneers in world order" could well be forgiven if they, as Americans in the service of the League of Nations, had written with some bitterness about their experiences; but there is no such tone at all. Each one makes a thoroughly objective appraisal of the League's operation in respect to his particular problem or field of activity, and all of them have suggestions for improved international organization and procedure. They have, as Arthur Sweetser puts it, "no past cause to defend and no past policy to justify. There is no time now for making dispassionate historical judgments; the past, good or bad, is important only as it bears directly on the policies of today and tomorrow, only as it suggests methods for creating the 'general international organization' advocated by the Moscow Declaration and the Senate Resolution, and gives to the world a reasonable chance for sustained peace."

It is not possible even to summarize the conclusions of the various papers, but out of them all such points as these seem clearly to emerge: (1) the League of Nations was, on the whole, a notable success in the so-called non-political field; (2) it has been functioning throughout the war and is still functioning to a degree not generally appreciated; (3) it need not have failed even in respect to security, that failure being due, not to the principles or structure of the League, but to the unwillingness of important members (and non-members) to give it the support now promised to Dumbarton Oaks; (4) it could very easily be revived and strengthened, but the preference of the United States and Russia for a new, although almost identical, organization makes such revival out of the question; (5) the important problem that does concern League members and League officials, is whether, in the transition from the League of Nations to the new Dumbarton Oaks, due account will be taken, not only of the League experience, traditions, staff, and equipment, but especially of the complicated treaty structure so laboriously built up through the years under League auspices and tied into the League system.

There is good reason to expect that out of San Francisco will come a reasonably sound international structure, not vastly different from the League, but at least a somewhat improved and strengthened League. One could be more certain of even such a modest achievement if these fifteen or seventeen men and women were brought more actively into the

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San Francisco conference. Some of them may be there; all should be there. Their experience is invaluable, their judgments are sound, their counsel should be considered indispensable.

CLARENCE A. BERDAHL.

University of Illinois.

War and its Causes. L. L. BERNARD (New York: Henry Holt and Company. 1944. Pp. x, 479. $4.25.)

The purpose of this volume is to give "a trustworthy analysis of war as a social institution and a dependable exposition of the causes which lead governments and peoples to make war"; for the first prerequisite for the preservation of peace in the future is "an adequate understanding of the nature and causes of war." The volume is divided into three major parts: "War as a Social Institution," "The Causes of War," and "The Future of War."

Professor Bernard adheres to the traditional thesis that imperialism, understood in economic terms, is the ultimate cause of war. "The immediate causes are usually political or personal, but they have ordinarily arisen out of underlying economic conflicts and conditions." This thesis has been increasingly questioned, not only by political scientists such as Lasswell, but also by economists such as Schumpeter and Viner. Professor Bernard does not attempt to refute the arguments of these outstanding scholars. Lasswell's *World Politics and Personal Insecurity* is not even mentioned in the extensive bibliography; nor are the articles by Schumpeter and Viner dealing with the impact of economic conditions upon imperialism and war.

Professor Bernard believes that "one of the chief causes of this trend away from an economic explanation is the opposition which the arch-materialists, the industrialists, and the financiers manifest toward it. They will not willingly allow any theory to stand in the way of their untrammeled pursuit of the gains arising from the far-reaching economic exploitation in which they are engaged. "They recognize the uncomfortable implications of this theory for their own practices and they condemn and make counter propaganda against it." This is the old "devil theory" of war all over again. Applied to the contemporary scene, it leads to the discovery of Great Britain as the prototype of an imperialistic power which, therefore, bears the main responsibility for the great modern wars. When we went to war on the side of Great Britain twice within this century, we did so in order to help her fight her imperialistic wars. It is Britain's and Russia's "imperialistic intrigues" which will make an effective peace settlement impossible.

The author subscribes to Norman Angell's thesis that war does not pay, and the acceptance of this thesis, which is open to obvious objections on

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historic as well as logical grounds, leads the author into a kind of moral nihilism before which all wars are equally bad. A war of aggression, then, is as stupid as a war of defense, and the traditional distinction between just and unjust wars is one of those moral illusions with which the devils of international affairs obfuscate the gullible minds of the public.

It has been said of some schools of sociology that they continue the tradition of moral philosophy under the disguise of an empirical terminology. This "trustworthy analysis of war" seems to be a case in point.

HANS J. MORGENTHAU.

University of Chicago.

Axis Rule in Occupied Europe; Laws of Occupation, Analysis of Government, Proposals for Redress. BY RAPHAEL LEMKIN. (Washington: Carnegie Endowment for International Peace. 1944. Pp. xxxvii, 674.)

In recent times, the law and politics of military occupation have assumed an ever-increasing importance. By the period of the first World War, the most numerous and most vital questions of international law of land warfare were those concerned with occupation of enemy territory. In this war, where different political systems and ideologies are to an even larger extent in conflict with each other, military occupation has tended to abandon altogether the limits of traditional concepts and rules. More and more, it involves questions not only of international law proper, but of the legal and political systems of both occupied and occupying countries. Also it assumes importance for a post-hostilities twilight period between war and peace (witness the occupation of Italy by the Allies and present preparations for a post-armistice occupation of Germany).

The importance of this work lies in its being the first attempt to present a systematic picture of Axis government in occupied Europe, including such phenomena outside *occupatio bellica* proper as Nazi rule over Austria and Czechoslovakia. The major portion of the book comprises texts of the respective laws and decrees. This documentary part is preceded by the author's analysis of the Axis system of occupation, one phase dealing with occupied countries, the other with fields of government (law, police, finance, etc). From his treatment appears clearly the extent to which the Axis powers have "enriched" international law by new forms of law and government. Thus, as to types of administration, the author distinguishes full absorption into the Reich, administration by "civil" governors, and military administration; and, if the form of "native" administration is taken as a criterion, rule through newly established puppet states or through puppet governments, through "headless or subcabinet governments," etc. Useful categories are also established with respect to types of Axis policies.

The author coins the term "genocide" for the policy of physical exter-

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mination or national extinction of entire groups or populations. His discussion of the political significance of the various types of Axis rule and his proposals for redress are, however, less satisfactory. There are also certain errors in factual details (e.g., Alsace has not been incorporated into "District Moselland" (twice on p. 171); the Nazi Party *Gaue* are mixed up with administrative districts called *Reichsgaue* (pp. 9, 111, 156, etc.); Bialystok was not made a *Regierungsberzirk* of East Prussia (p. 221); the reference to the Göring interests in Poland is incorrect (p. 228).

At this stage of events, the picture is necessarily fragmentary, and the major value of such a work lies in its documents. As to the selection made from those available, although criteria are inevitably subjective to a certain degree, it seems to the reviewer that fundamental texts are sometimes omitted in favor of less important ones or of earlier decrees which have lost their importance. Thus, the major instrument of Nazi terror in Norway has been, since 1941, the "SS and Police Court *Nord*," but none of the decrees concerning its establishment and jurisdiction has been included, while those concerning German criminal jurisdiction over Norway in 1940 are. Or, the basic law of August 23, 1942, on citizenship in Alsace, Lorraine, and Luxemburg is omitted, while five rather technical decrees on transportation of goods and persons in the Netherlands are included. Translations of technical terms are sometimes objectionable; thus, without resort to the original, nobody could realize that the "provincial districts" referred to on p. 313 are *Landkreise* and that the "provincial law" occurring in the same text (p. 314) means Prussian *Landesrecht*. In a revised edition, this work might become a valuable source for historians of World War II and international lawyers interested in the field of belligerent occupation. In its present form, it has to be used with discrimination.

JOHN H. HERZ.

Howard University.

War Criminals; Their Prosecution and Punishment. By SHELDON GLUECK. (New York: Alfred A. Knopf. 1944. Pp. viii, 250. $3.00.)

This is a provocative analysis of the perplexing question of war criminals. Professor Glueck covers a wide field, taking into account domestic and international law as well as the political aspects of the problem. He squarely faces the legal obstacles to the prosecution and punishment of war criminals. Yet, by reference to purely legal arguments and by ardent appeals to reason and justice he tends to overcome the technical difficulties involved.

Although the term "war criminal" is now widely used in popular discussion, its implications are by no means clear. The author fully realizes the traditional vagueness of the term and offers a definition of his own.

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Besides members of the armed forces, he includes in his definition "persons—regardless of military or political rank—who, in connection with the military, political, economic, or industrial preparation for or waging of war, have, in their official capacity, committed acts contrary to (a) the laws and customs of legitimate warfare or (b) the principles of criminal law generally observed in civilized states" (p. 37). In addition, he considers as war criminals all those who have aided or abetted in the perpetration of the above acts.

The number of persons liable to be prosecuted as war criminals would be considerably reduced if some widely recognized rules of international and domestic law should be accepted without reservation. There is, for example, the controversial issue of whether "heads of states" are immune from criminal prosecution under international law. After having reviewed opinions in favor of such immunity, the author states that the trial of Hitler, Hirohito, Mussolini, and their leading military and political henchmen in an International Criminal Court would be "a significant symbol of the growing unity of the nations of the world" (p. 78). Again, blind adherence to the principle of "superior command" would furnish a convenient excuse for many who in the author's view should be tried as war criminals. He thinks that a soldier cannot under all circumstances claim immunity on the ground of having obeyed his superior's orders. A soldier is criminally as well as civilly liable if the order he obeyed is illegal and he knows, or ought to know, that the act ordered is illegal.

Since international law covers many rules that do not provide for punishment, many authorities believe, in accordance with the leading case, United States v. Hudson (7 Cranch 32), that neither international nor domestic courts have jurisdiction unless a specific punishment is affixed to a specific crime. Dr. Glueck disproves this reasoning and cites many, even German, authorities to sustain his approach. However, he does not propose that all convicted war criminals be executed; some might be imprisoned, while others should be sent to special institutions with a view to eradicating their criminal instincts.

The author advocates formal trials before the domestic criminal courts or military commissions of each of the injured states and recommends the establishment of an International Criminal Court to deal with offenses committed by heads of states, offenses committed in several countries or against the nationals of two or more countries, offenses over which no single United Nations country has jurisdiction, and offenses which some injured nation prefers not to try in its own courts. In the light of the experience after World War I (Leipzig trials), he is definitely opposed to delivering war criminals to German or Japanese courts.

Dr. Glueck concedes that the victorious United Nations, provided they get hold of the Axis leaders, would be in a position to "dispose of"

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these leaders even without resorting to a court procedure. The latter view is apparently shared by Mr. Churchill. Nevertheless, the author is convinced that a formal trial of the heads of states before an International Criminal Court would be lawful and wise. Even granted that such a procedure would be lawful—a proposition which is still debatable—it may for various reasons be doubted whether it would be in line with what the author calls "sound sentencing policy." However that may be, Professor Glueck's book maintains an unusually high standard of legal reasoning. The analysis of the precedents, as well as of the literature on the subject, is stimulating and in most instances persuasive. On the whole, the book should be particularly useful to journalists, political scientists, and statesmen, and will undoubtedly contribute toward clarifying the controversial issue of "war criminals."

HANS AUFRICHT.

New York University.

The Control of Germany and Japan. By HAROLD G. MOULTON AND LOUIS MARLIO. (Washington: The Brookings Institution. 1944. Pp. xi, 116. $2.00.)

Though the debate has gone on vigorously for some time, there is not as yet any consensus of opinion in Britain or the United States as to the best methods of maintaining postwar controls over a defeated Germany and Japan. In both countries there are persons of public importance who favor the destruction of the political unity of the Reich by territorial division. Some talk in terms of complete de-industrialization. Others place their faith in what is generally called "re-education" of the German and Japanese people. Still others talk of ingenious economic or military controls which either would make enemy rearmament impossible or would provide a means to give the Allies ample warning as soon as any substantial measure of rearmament had been initiated.

To this great debate on what is unquestionably one of the major problems of our time, Messrs. Moulton and Marlio have contributed a brief but systematic exploration and evaluation of the various economic measures which might be considered by the policy-makers. While the analysis of each proposal necessarily is brief—at times painfully so—the judgment of the authors is frequently buttressed with many useful statistical data. Thus by weighing the advantages and disadvantages of various proposals, the authors come to the conclusion that the most promising methods of controlling future German war potential are through the destruction of the synthetic oil industry, the virtual destruction of German civil aviation, and the establishment of special controls over the manufacture of aluminum ingots. They favor, also, the supervision of the electric power industry, both as a means of directly checking para-military activity and as

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a device which could be used for detecting great industrial developments that might have strategic significance. In this connection, they do not entirely reject the suggestion that a large part of future German electric power could be supplied from abroad.

Similar conclusions are reached with respect to postwar Japan, except that electric power control is rejected as impracticable. In general, the authors lay great stress on the conclusion that Japan will be made inherently weak merely by the amputation of her colonial empire. This weakness, however, will not seriously interfere with Japan's opportunity to maintain a viable existence for her people unless postwar trade barriers are so high as to force a disastrous policy of economic self-containment upon her. It is clear, in other words, that the authors do not feel that Japan will present a problem of any magnitude comparable to that of Germany.

It is, perhaps, no great derogation to the usefulness of this little book to say that it is woefully lacking in balance. Apparently, the authors decided to limit their efforts to an investigation of the technical aspects of each proposal, leaving everything else to other writers. The net result is that the casual reader may be led to overlook, or at least to underestimate, the political problems involved in the enforcement of the proposals considered. It is all very well, and undoubtedly necessary, to evaluate control proposals in terms of their technical effectiveness, but it is no less important to judge them by relevant political criteria, such as the effect which each might possibly have on the attitudes of the controlled peoples, and on public opinion in the controlling countries.

This comment suggests that a well-rounded analysis would need to include an estimate of each proposal in terms of its effect in favoring or retarding the eventual reintegration of the enemy peoples into the society of nations. Also, it should be weighed by another criterion, which is the degree to which the peoples in the victor countries would be willing to continue to impose the particular control for as long a time as might be desirable. The paradox, of course, lies in the undeniable fact that those controls which are most promising technically are usually the least desirable politically. The most efficient and severe measures are those which will produce the greatest enemy resentment and the earliest development of opposition in the victor states to their continued imposition. While this politico-psychological problem is mentioned briefly, it is not given anything like the prominence which it deserves. In the long run, the political criteria are more fundamental than those of a technical and administrative character. If we overlook this, we do so at our peril.

The final chapter on "Alternative United States Policies" seems to have been tossed in for good measure. It has little or no connection with

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the remainder of the book, and its hortatory character is out of keeping with the tone of the volume.

GRAYSON L. KIRK.

Columbia University.

United States of Germany. By K. K. DOBERER. (London: Lindsay Drummond Ltd. 1944. Pp. 167. 7s. 6d.)

Re-educating Germany. By WERNER RICHTER. (Chicago: University of Chicago Press. 1945. Pp xxiii, 227. $3.50.)

These two books by anti-Nazi Germans are recent additions to the stream of books and pamphlets with which we have been flooded during the past two years. The first one, by Doberer, is essentially an interesting argument for a new German federation of states in order to eliminate the excessive centralism which he insists has been a basic fault of former German régimes. The second book, by Richter, is a valuable interpretation of German education, with particular reference to its future adaptation to postwar German needs.

Herr Doberer has given us a somewhat sketchy historical review of the development of Prussian hegemony in Germany. He has obviously had access to a number of rarely used sources, and the book is replete with illuminating and pertinent quotations. Bavaria and South Germany in general come in for the most sympathetic treatment, because the author feels that the hope for a peaceful Germany lies not only in a decentralization of German government, but in a strengthening of the Bavarian position. He cites instance after instance to show that Bavarians want peace, and have always been opposed to Prussian militarism.

There is soundness in the proposal made in his last chapter for a German federation of states consisting of from five to eight states, with the federal capital located in a centrally situated city such as Halle. He would limit central government powers very rigidly, and he would have the members of the Union parliament elected indirectly by the members of the state parliaments. Some of the suggestions seem a bit extreme, but the main argument of the book against centralism is well presented.

At times the material is not well organized; and the absence of footnotes to important quotations makes it difficult for the careful reader who is interested in proper documentation. But the author makes out a good case against "the concentration of bureaucratic will" and against "a rigid hierarchical and centralistic system." His characterization of the Prussian bureaucrat "as an unarmed Prussian non-commissioned officer" is a gem.

Professor Richter's book, brilliantly translated by Paul Lehmann, is a

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solid, scholarly contribution written by a man who had extensive experience both as a university professor and as an undersecretary in the Prussian Ministry of Education prior to Hitler. He believes that Germany can be re-educated, and his conviction is based upon an intimate and responsible knowledge of German life and education.

After a penetrating historical analysis of German education, with particular emphasis upon the Weimar period, Dr. Richter outlines in the last three chapters "some suggestions for the kind of educational system which must emerge in Germany against the background of a new Europe." His treatment of the future of German education is preceded by a section which deals with the differences between American and German education.

In presenting his new ideal for German education, Dr. Richter emphasizes the fact that "the large majority of the German people cannot be reached directly by formal schooling. It seems to me," he continues, "that many who discuss the future of Germany ascribe too much significance to education as a factor in the immediate reconstruction of the nation. The generation between twenty-five and fifty, among whom are numbered the real representatives of Nazism, will be beyond the influence of the schools." He also characterizes the cultural arrangements of the League of Nations as "so bureaucratic that they could not cope with the problem of the creation and nurture of a common European cultural feeling." He offers "the good European" as a new goal for education in Germany, and he suggests that "German education will have to give more vigorous emphasis to social attitudes than heretofore." All this he feels must be worked out in a Christian framework, which will mean that Christianity and socialism will have to come to terms with each other. His suggestion of the introduction of the liberal arts college into Germany, and the use of women teachers in elementary schools, indicates the crispness and constructiveness of his thinking. The whole book is stimulating, and it provides a refreshing contrast to so many of the half-baked articles about re-educating Germany which have been filling the magazines. Every educator and student of Germany should ponder Dr. Richter's profound and pertinent conclusions.

JAMES K. POLLOCK.

University of Michigan.

The Real Soviet Russia. BY DAVID J. DALLIN. (New Haven: Yale University Press. 1944. Pp. viii, 260. $3.50.)

This is the third of Mr. Dallin's books on Soviet Russia. Unlike the two earlier works (*Soviet Russia's Foreign Policy, 1939–1942*, and *Russia and Postwar Europe*), the present volume is primarily concerned with the domestic scene; but, like the others, it is a severe indictment of the Soviet

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régime. In brief, the author has sought to achieve two purposes: first, to dispose of the Thermidor concept of recent Russian developments; and second, to analyze the constituent elements of the Soviet state.

In the first half of the book, Dallin sets out to prove that, while there has been evolution in Soviet Russia, it has been in a non-Thermidorian direction. The revolution has not come to an end; the Communist party in Russia is still guided by the revolutionary teachings of Marxism-Leninism. Russia has not become a land in which nationalist and religious tradition holds sway. The new religious policy is merely a tactic, one of the gyrations which have occurred in policy during the past twenty-five years. Russian foreign policy is still based on fear of capitalist encirclement and on the need to extend the frontiers of socialism. There is no denial of communism in the growth of a class society in Russia: this is merely the product of the two basic principles of Soviet policy—the principle of state economy and the maintenance of power in the hands of the political group dedicated to preserve a state economy.

Dallin begins his systematic analysis of the component parts of Soviet Russia with two chapters (VII and VIII) on the new upper classes. The upper classes consist almost entirely of the ten million members of the government bureaucracy. Only fifteen per cent belong to the Communist party, and the outlook of the rest is so fundamentally, although not openly, opposed to the party that the "upper class" bureaucracy can be expected to provide an impetus for political change in postwar Russia. Subsequent chapters deal with the working classes, the peasantry, forced labor, the Communist party, the Red Army, and the NKVD. Some of the more striking observations in these chapters are as follows: the standard of living of the working classes, apart from the Stakhanovites, is no higher than in the pre-1914 period; the collectivization of agriculture was primarily motivated by political rather than economic considerations, and has not led to an increase in farm production; slave labor in Russia, which totals between seven and twelve million, has taken a terrible toll of human life, but has contributed greatly to the rapid industrialization of the 'thirties and the war period; although the Communist party has expanded from 200,000 to five million, it is still organized along the lines of an officer corps and its direction is centered in a few thousand individuals; Red Army hatred of the NKVD—the purest Communist body in Russia—constitutes a potential source of change.

Without more adequate information on Soviet Russia than is now available, it would be folly to pass final judgment on this work. A few comments seem warranted, however. The book is ably written and, in its conceptual apparatus, certainly distinguished. But the student can only regret that the author has not been both consistent and precise in his documentation; that he has so completely ignored the pre-revolutionary history of Russia;

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and that he has relegated such matters as social security provisions in Russia to a footnote, while not even mentioning the progress made in education, culture, and racial relations. The things Dallin says about Soviet Russia may be "real," but the person who would even begin to understand that country should balance his view by turning also to an author like Sir Bernard Pares.

HOWARD P. WHIDDEN, JR.

New York City.

The Road to Foreign Policy. By HUGH GIBSON. (New York: Doubleday, Doran and Company. 1944. Pp. x, 252. $2.50.)

This book by a distinguished former United States ambassador is directed toward the creation of new policy-making machinery in the field of foreign affairs. Mr. Gibson proposes the creation of a Council of National Defense, under the nominal chairmanship of the Secretary of State, but with a full-time executive head of cabinet rank. This body would be composed of high ranking officials of the State, Treasury, War, Navy, Commerce, and Agriculture Departments, together with all other government agencies which deal with segments of our foreign affairs, and it would have a large research staff of experts of its own. Its membership would include members of the Senate and House committees on foreign relations.

This permanent body would study exhaustively our relations with each nation and the intricate problems affecting the larger aspects of our international relations. It would be always at work and its top organ, the Council, would be always active in framing long-range national policies. In the absence of such exhaustive and continuous labor, the author contends that we do not and cannot have anything that could be called national policy. We have only programs of action, rather hastily devised under the direction of amateur secretaries of state, who have almost never had any experience in foreign affairs.

This Council of National Defense, which the reviewer suggests might also be called the Council of State, is the chief constructive contribution of the book, and it is one worthy of careful attention. The Executive would still be responsible for the direction of foreign affairs, but it would have well matured guidance and information not now available to it.

The creation of such a "Siamese twin" for the State Department would also do something important to bridge the gap between the Congress and the Executive. The author takes a view generally sympathetic to the Congressional side of this conflict. He takes literally the constitutional provision about the "advice" of the Senate on treaties and in his Chapter XII strongly defends the two-thirds vote for treaties. He justifies the "clear right of the Senate to specify its own reservations" to treaties, and

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he states, mistakenly I believe, that the Senate's proposed reservations to the Treaty of Versailles would have been accepted by the other governments.

The author criticizes stringently throughout the book the conduct of diplomacy by anyone except the career diplomats. He favors diplomatic settlement over arbitration awards (p. 104), distrusts any international police force (pp. 112–116), discounts world federation (pp. 117–119), and concludes that "there is no substitute for the laborious workings of diplomacy seeking to derive benefit from all possible methods (p. 122). He is generally skeptical of Russia's acts and intentions and critical of our "infatuations and antipathies toward" other nations.

In his chapter on the State Department, Mr. Gibson describes the habitual refusal of the Department to give its representatives abroad any discretion. All decisions must be made in Washington, after they become imperative. This practice leads the Department to frown universally upon any effort of its foreign servants to look ahead. It will deal with no "hypothetical questions" or future plans. Alone among great government agencies, "the Department of State has a monopoly of this strange practice of not trying to plan ahead" (p. 153). As an ambassador, Gibson was seldom able to get any adequate instructions unless he came home and wrote them himself.

The author ascribes these constricting State Department policies to the lack of full-time planning, research, and consultation, and finds in them additional reasons for his proposed Council of National Defense.

The book does not have an index, but an appendix contains some fifteen recent documents of international importance.

D. F. Fleming.

Vanderbilt University.

Behemoth; The Structure and Practice of National Socialism, 1933–1944. By Franz Neumann. (New York: Oxford University Press. Second Edition, with New Appendix. 1944. Pp. xix, 649. $4.00.)

The first edition of this important book, published in 1942, was reviewed in this Review (August, 1942, pp. 771–773) by Oscar Jászi. Owing to war conditions, the second edition consists of a reprint of the first and a new Appendix (pp. 519–634), in which the author tries to bring his *exposé* up to date and to fill certain omissions of the first edition. This set-up naturally has its disadvantages—especially lack of unity of approach. In December, 1941, National Socialism was at the peak of its power and conquests; the author speculated about future developments under the hypothesis of a German victory and tried to impress his readers with the idea that Germany can be beaten, stressing the necessity of adequate psychological warfare. In August, 1944, the situation had entirely changed, and

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it is further changed today. Nevertheless, the basic attitude of the author remains the same.

The Appendix follows the three parts of the first edition, dealing with the political and economic pattern of National Socialism and its "new society." The author gives extremely detailed information upon the organization of the state and party, upon the rise of Himmler, upon the political, military, and economic organization and administration of the occupied countries of Europe, and upon the vast field of measures to control the economy of Germany and Europe. As a source of information, this Appendix is very valuable. But it makes dry reading, as considerations of space force the author to write sometimes in the fashion of a catalogue.

War literature in general, and upon the enemy in particular, must be approached, from a scientific point of view, with the utmost caution, whether written by an enemy or a refugee. Ignorance, lack of information, half-truths, prejudice, emotion, hatred, war-psychosis, propandistic aims—all are likely to produce scientifically unsound books; and hence the "debunking" literature after the war. Such war literature is often even dangerous, because of impressing the mind of the man in the street with fancy pictures, absolutely wrong, passion-inspired and distorted notions, which, if widely accepted, may render any durable peace settlement impossible *a priori*.

Neumann's book is free from these faults. The author speaks from intimate knowledge of pre-Hitlerite Germany, is by profession a lawyer, and his whole book is exclusively based on National Socialist official sources, materials, and literature. His book holds, therefore, an eminent place in the mass literature on this subject; the facts he gives not only present the most detailed analysis of National Socialism, but are undistorted, true, complete, and reliable.

But his interpretation of these facts is open to the most serious doubt and criticism. It is not only that he says little about the reasons why National Socialism rose to power—and this is indispensable to a full understanding—but he suffers from a double prejudice: an over-rationalistic and a Marxist prejudice, as Jászi has already fully pointed out in his review of the first edition.

Hence his basic attitude that National Socialist Germany is a "non-state" (Behemoth in the sense of Hobbes); that National Socialist law is "no law" (a typical *jus naturae* reasoning); that the present Germany is "a more or less organized anarchy" (a contradiction in terms).

Hence, in the second place, his basic attitude that National Socialism is exclusively economically motivated, merely a "totalitarian monopolistic economy"—that there is no ideology, that such ideology as there is does not exercise the slightest influence on the leaders. All is reduced to a super-profit-motive-ridden gang of men, applying the *arcana dominati-*

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onis exclusively to cheat the people. It is hardly necessary to say that the Marxist "economic interpretation of history" is scientifically and philosophically absolutely untenable.

On the other hand, the author is free from the Vansittartist prejudice. While, of course, rightly condemning the National Socialist ideology and its means—terror, violence, massacre, destruction of culture—the author clearly points out that Hegel, Nietzsche, Stefan George—contrary to widely accepted but erroneous popular belief—cannot be held responsible for the National Socialist doctrine. He distinguishes clearly between National Socialists and mere conservative reactionaries opposed to violence, lawlessness, and destruction of culture. He sees that imperialism is no German monopoly. He tells us that Antisemitism is not spontaneous in Germany, that "the German people is the least Antisemitic of all." He warns that a mere restitution of the status quo cannot produce a peaceful Europe, that "Germany cannot be divided and enslaved," that there "is no specific German trait responsible for aggression and imperialism," that "National Socialism can be defeated only by a political theory that proves as efficient as National Socialism without sacrificing the liberties of man."

JOSEF L. KUNZ.

University of Toledo.

My Life in China, 1926–1941. BY HALLETT ABEND (New York: Harcourt, Brace and Co. 1943. Pp. 393. $3.00.)

Voices from Unoccupied China. BY LIU NAI-CHEN, TSAI CHIAO, C. K. CHU, J. HENG LIU, FEI HSIAO-T'UNG, WU CHING-CHAO, CHIN YUEH-LIN. EDITED BY HARLEY FARNSWORTH MACNAIR. (Chicago: University of Chicago Press. 1944. Pp. 109. $1.50.)

In the background of a well-known foreign correspondent's adventures in frantic search for the point where the most important news would break lies the story of the fluid years of the emergence to domination of the Kuomintang. To the political scientist, Mr. Abend's broad canvas in space, if not in time, is of special interest. Political evolution, accelerated by revolution, is sketched in high colors. The bizarre doctrines of Sun Yat-sen's "Three Peoples' Principles" are seen to result, surprisingly enough, in their actual implementation with the military unification of the country, distracted as it had been by two and a half decades of political ineptitudes. Even after the Japanese onslaught of 1937, the Kuomintang is shown to have sedulously continued to repeat the ideology of the *Tsungli* with never-failing promises to proceed from the current period of political tutelage to that of outright constitutional and democratic processes.

The historian will find much material in the accounts of relatively obscure episodes, such as the beginnings of the Nationalist revolution at

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Canton. Here the writer met the chief actors. Among those sketched is Michael Borodin, Moscow's liaison officer to China and to the Kuomintang, who taught Chiang Kai-shek, T. V. Soong, and the other leaders the propaganda tactics which made the Northern Punitive Expedition successful in 1926–27 against the entrenched warlords of the rich Yangtze valley. Notably, Chiang's meteoric rise to leadership is analyzed in a few graphic paragraphs (pp. 20–21).

Throughout Mr. Abend's book appears a kaleidoscopic procession of names familiar in the China of this period: Wang Ching-wei, later to become China's "Quisling"; W. H. Donald, omnipresent political agent, "adviser" successively to war-lords and Nationalist leaders; Chang Hsüeh-liang, tragic inheritor of his father's vast Manchurian domain, to figure at last in the ignominious kidnapping of Chiang at Sian; Eugene Chen, Trinidad-born, Oxford-educated journalist and ultimately foreign minister, who could not read his own dispatches in Chinese; C. T. Wang, American trained Y.M.C.A. officer, China's foreign minister and later ambassador to Washington; and a host of others.

All along runs the enigma of Mr. Abend's attitudes toward either the Japanese or the Nationalists. With the latter, supported largely by the American missionary element, Abend became highly suspect to the point of deportation requests by the Nanking authorities. This was because of his persistent relations with Nippon's agents. All this he explains as dictated by the necessity of obtaining the news from whatever source, especially the Japanese, as well as of presenting it objectively and accurately, even at the risk of offending his hosts of Nanking. Interestingly enough, he admits a belief that there are men in Japan with whom a durable peace could be arranged (pp. 316–319).

Abend relates his story with a cold objectiveness, nevertheless, that discloses him as a man of few sympathies or enthusiasms. There are no passages of appreciation of the deep and abiding virtues of the Chinese, and there is a tendency to expose only the worst aspects of the foreigner on Chinese soil. Nor does he appear to have made much effort to acquaint himself with the rich indigenous culture or its language. This latter is made plain by the grotesque rendering of the three characters representing his name on the book's jacket.

The entire autobiographical sketch may be termed Mr. Abend's attempt to vindicate himself of the charges which—but for the unquestioning support he was given by his principals of the *New York Times*—would have terminated much earlier the career of America's premier press representative in Eastern Asia. The volume, racily journalistic as it is, will remain a source-book on the contemporary scene of the rise to power of the Kuomintang in the face of Japan's "immutable policy" of bringing the Republic under its control.

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In a tiny volume comprising the Harris Foundation Lectures for 1943, China's government and politics, public health, economic and social problems, and contemporary advance in education are each dealt with in a few pages by experts who spring from the soil of China itself. It is not long since every handbook on China without exception, from Chinese political philosophy to the native pharmacopœia, was the work of Western investigators. The professors who sat at the five round-table conferences during the heat of a Chicago August are widely recognized in their own lands. At least such names as J. Heng Liu and Hsiao-t'ung Fei can even claim some familiarity in the United States as well. Collectively, they present a "sleeve-edition" concept of present-day China in their respective sciences. The little book may be recommended to all who wish a concise yet authoritative *aperçu* of the gigantic nation with which Americans find themselves more and more in intellectual propinquity.

Commentaries are notoriously dry reading. Not so the "synthesis out of analysis" so helpfully prepared "for reviewers rather than readers" by the editor. Professor MacNair provides us with brief notes on the speakers. They represent the various far-flung geographical as well as professional areas of their country. One is a native of Anhui; another of Chekiang; another from Kiangsu ("last province through which the Yangtze flows into the Eastern Sea"). Traditionally, the lower Yangtze Valley produced the intellectuals of China. But the stolid North makes its contribution with Dr. Liu, a native of Tientsin, while Professor Chin comes from a region of both scholars and braves, "Hunan Province in Mid-China." It is nothing new to list Chinese scholars. In fact, one needs only to look at the two-volume work, *Eminent Chinese of the Ch'ing Period,* to realize the innumerable names of only a century or two of China's scholarly history. The interesting fact is that at Chicago it was possible thus to bring together the "delightfully wise product of the ancient classical educational system with the modern and somewhat more scientific American system . . . in the not too solemn conclave assembled."

ESSON M. GALE.

International Center, University of Michigan.

China Enters the Machine Age. By KUO-HENG SHIH. Translated by Hsiao-tung Fei and Francis L. K. Hsu. (Cambridge: Harvard University Press, in coöperation with the Institute of Pacific Relations. 1944. Pp. xxiv, 206. $2.50.)

This clinical study of the impact of modern industry upon China's social fabric, as exemplified in war-time factory life in Kunming, is a coöperative effort involving, at various stages in its development, the staff of the Yenching-Yunnan Station for Sociological Research, Professor and Mrs. Elton Mayo as editors, the Harvard University Press, and the Institute

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of Pacific Relations. The result of the collaboration reflects credit upon all concerned, for it has brought into focus certain basic problems of adjustment and adaptation which are too often ignored by those who are already preparing blue-prints for the rapid and wide-spread industrialization of post-war China.

Post-war China's need for industrialization—for the adoption of modern techniques which will make possible a greatly increased production of wealth and a consequent rise in the national standard of living—is beyond question; but just how will the ways of modern industry be fitted into the time-honored pattern of Chinese community life? "The technical advancement of the West makes it evident that China can no longer close her doors and live on in an ancient tradition," says the author (p. 153). "But Western civilization, for all the attraction of its superior material comfort, does not wholly recommend itself to Chinese trained for a thousand years in the virtue of serenity. There is no alternative but to take part in a technical development that has become world-wide; but for a Chinese any attempt to live in a culture derived entirely from the West would mean nothing but unhappiness."

The author's conclusions are not handed down from "the ivory tower," but are the result of close contact with and observation of Chinese factory workers—skilled, semi-skilled and unskilled—in a modern government-owned factory at Kunming. For eleven weeks in the fall of 1940, Kuo-heng Shih lived the life of a factory employee—sleeping in a workers' dormitory, eating in the dining-hall, and working in the factory—in order to learn the answers to four major questions: "What class of people come to be factory hands in interior China?" "What are the aspirations of the workers now in active production?" "Are there any peculiar problems that labor in the interior of China today presents to management?" "What prospect, then, does the present labor situation hold for the future?"

The answers to these and to certain supplementary questions are set forth, with appropriate illustrative material, in the first nine chapters of the book. In Chapter X, from which the above quotation was taken, the author expresses his general conclusions: China's transition to modern industrialization is inevitable unless China is to perish as a nation; this transition, however, must come as an adaptation to China's own social needs; it must maintain and strengthen, not destroy, China's social integrity; it must fit into the general framework of a world integrated for peace, not organized for war.

A supplementary chapter, "Female Labor in a Cotton Mill" (also at Kunming), completes the book and serves to round out the study. This chapter is by Ju-k'ang T'ien, also a member of the staff of the Yenching-Yunnan Station for Sociological Research, and it points out resemblances

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and divergencies between the problems of male and female factory labor.

G. NYE STEIGER.
Simmons College.

Netherlands India; A Study of Plural Economy. By J. S. FURNIVALL. (New York: The Macmillan Company. 1944. Pp. xxii, 502. $4.00.)

Mining in the Netherlands East Indies. By ALEX L. TER BRAAKE. (New York: Bulletin 4 of the Netherlands and Netherlands Indies Council of the Institute of Pacific Relations. 1944. Pp. 110. $0.50.)

The present war in the Far East will doubtless bring many changes which are not as yet foreseen. It has already focused attention on many of the intricate problems for which solutions must be found if the expressed purposes of the United Nations are to be translated into fact. Certainly one obvious danger in the approach to these problems will be the assumption arising from war-time enthusiasms that most Far Eastern maladjustments can be set aright by the calling of a few conferences, the mapping of a few blue-prints, and the signing of a few treaties and conventions. These things will certainly have their necessary and proper place, but if the future of the Far East is to be any better than its past (and this is assertedly one of the aims of this war), we shall need to approach that future with a judicious application of knowledge drawn from the past. It is this need for fundamental and tested knowledge of the past which makes the appearance of Furnivall's study of plural economy in Netherlands India so welcome at this particular time. The first or English edition was published some six years ago.

Furnivall, whose background is that of the British civil service in Burma, has presented a study of the economic and social development of Netherlands India which is notable for its detail, its comprehensive sweep, and its scientific detachment and perspective. While political history is in no sense the major theme, it is never neglected where needed to give balance to the picture.

The organization built upon a broad chronological framework is basically historical. After an introduction on Indonesia to 1600, the author develops his study as follows: the East India Company, 1600–1800; the years of confusion, 1795–1815; the years of uncertainty, 1815–1830; the Culture System, 1830–1850; the transition to liberalism, 1850–1870; liberalism, 1870–1900; efficiency, welfare, and autonomy; administrative and political reforms; economic progress; some effects of the crisis of 1929; and some conclusions on plural economy.

No other work which has appeared in English on Netherlands India has presented the development of Dutch rule in its economic and social aspects with the clarity, the regard for sources, and with the nice respect for qualified conclusions which will be found here. The two essential and

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broad features of the story are handled with great capacity: (1) the transitions in Dutch colonial policy from the days of the Company, through the years of the Culture System to the régime of liberalism, and finally to the more recent experiments with controlled economy; (2) the complex interplay of forces in a plural economy where a number of distinct social orders live separately yet fused in a common locale.

In this connection, Furnivall calls attention to the vital problem of the plural state: "in a plural society there is no common will except, possibly, in matters of supreme importance, such as resistance to aggression from outside" (p. 447). Here there is a resemblance to a federation of allied provinces, except that the constituent elements are not segregated in separate territorial units. Pressures therefore cannot be relieved by secession, for "in a plural society the elements are so intermingled that secession is identical with anarchy." Of particular interest are the sections which deal with the position of the Chinese and the Japanese.

Ter Braake's brochure is the fourth in a series of brief factual studies on the Indies. Previous issues covered such subjects as the movement toward economic democracy, industrial development, and educational progress.

PAUL H. CLYDE.

Duke University.

A Century of Latin-American Thought. By W. REX CRAWFORD. (Cambridge, Mass. Harvard University Press. 1944. Pp. 320. $3.50.)

Students of Latin-American history will welcome a scholarly excursion into a field hitherto little explored. We have had many books about various phases of the culture of the other republics of the hemisphere, but American writers have paid too little attention to some of the great intellectual figures whose names are known to every educated Latin American.

Professor Crawford's book should perhaps be described as a series of sketches of Latin-American thinkers rather than as a history of Latin-American thought, for he is more concerned with the ideas of individuals than with the broader intellectual currents which influenced the community as a whole at any one period. It is not a criticism to say that many readers will regret that the book could not have been longer. Limitations of space have required many omissions and have made necessary a very brief treatment of some of the men included. The difficult problem of selection, however, is well handled, and the reader will find among the thirty-eight names listed in the table of contents all of the great figures in Latin-American intellectual history since independence.

The list includes men of a wide variety of intellectual interests. Statesmen like Alberdi and Sarmiento played a great rôle in the history of their

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country; reformers like Bilbao, Gonzáles Prada, and Mariátegui paved the way for later political and social movements; Ingenieros and Freyre represent sociology. Several sections deal with philosophers and their philosophical systems. Writers who are primarily men of action, and most historians, have been deliberately omitted. Economists, the author says, are not classed as thinkers. The space allotted to individuals varies, presumably in accord with the author's estimate of the importance of each man's intellectual achievement. Andrés Bello, for example, is allotted six pages and Juan Montalvo less than four, whereas Antonio Caso is given fourteen pages, José Vasconcelos sixteen, and José Ingenieros twenty-five. In general, statesmen and publicists receive somewhat less attention than sociologists and philosophers.

Taken together, the sketches achieve their purpose of giving the reader a picture of Latin-American *pensadores:* "men who have tried to interpret the whole social reality that lay about them, seeking its roots in the past and looking with grave concern for their country and for America into an unknown future." Their most constant preoccupations, Professor Crawford says, "were: Why are we different from the United States? What shall be our relation to the northern republic and to Europe? How did we get to be what we are, and what is our destiny as a people and as a continent?"

DANA G. MUNRO.

Princeton University.

Democracy Under Pressure. BY STUART CHASE. (New York: The Twentieth Century Fund. 1945. Pp. ix, 142. $1.00.)

"Special Interests vs. the Public Welfare," the subtitle of Stuart Chase's latest addition to the series "When the War Ends," sums up its central problem. Will the pressure groups "take up where the Germans left off?" If we as a nation are to forge a durable peace, a sense of the whole community must take the place of "Me first and the public be damned."

In succeeding chapters, Mr. Chase describes the pressure groups which serve Big Business, Big Labor, and Big Agriculture, showing how each strives either for "a direct subsidy for itself" or "a hand grenade for a competitor." This is not new material, but it is written with a vividness which will attract more readers than TNEC monographs or Federal Trade Commission reports.

The author's original contribution is his analysis of the relation between monopoly and pressure politics. The trend toward monopoly is a "social defense mechanism" which the group develops to protect itself against the uncertainties of the market. The trend is found in farm groups and in labor as well as in business, and it results in a restriction of output

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fatal to a dynamic society. No group can be secure in an insecure society, and each group must serve the community interest in order to safeguard its own.

Turning his attention to "big government," Mr. Chase finds that the pressure groups have established such a firm hold upon Congress that only "we ourselves and the President of the United States" represent the whole community. After the war, we must distinguish afresh the "Agenda of Government." Clearly, however, the service motive of government will be needed as well as the profit motive of business, and we must work out a plan so that both can operate. If the government is to perform its service functions successfully, it must "keep a tight leash on the pressure groups" and act "aggressively in the interest of consumers."

After this provocative analysis, one reaches the chapter on "Ways and Means" with almost breathless anticipation, only to have hope give way to frustration. Political scientists, who have failed to come to grips with the problem of representation themselves, are in no position to be critical when Mr. Chase dismisses it with the suggestion that occupational representation "is worth study by qualified political scientists." He makes many sound suggestions: the worst abuses of pressure groups can be curbed by publicity; something can be accomplished by organizing consumers; social security will help. But these are palliatives, as he recognizes. His constructive proposals are two: "competent analysis to show who is responsible for what in this humming, complicated power age"; and "a realization that our personal interest is bound up with the national interest." The book concludes with an epilogue setting the stage for a conference of Americans who "think in terms of the whole community," and who have come together to frame an "Agenda for 1950." One is haunted by the fear that it will be "too little and too late."

LOUISE OVERACKER.

Wellesley College.

The First Round; The Story of the CIO Political Action Committee. BY JOSEPH GAER. (New York: Duell, Sloan and Pearce. 1944. Pp. xv, 478. $2.50.)

It is fortunate that a sizable work on the creation and remarkable growth of the CIO Political Action Committee is available so soon after the election. It is unfortunate, however, that the volume fails to fulfill Dr. Walsh's contention in the foreword that it is a "complete record and appraisal . . . a calm review of PAC's origin, its activities, its mistakes, and its direction" (p. vii). The origin of the PAC and the National Citizens PAC is adequately covered, but the book presents a full picture of neither the activities nor the significance of "labor's political arm." Its author was an associate of the PAC and has little but praise for its work.

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The greatest weakness of the volume is its overemphasis on the aims and ideals of the Committee and relatively small stress on its operation, or its relationship to Democratic machines and party workers. The *alter ego* character of the National Citizens PAC is also insufficiently treated. The story of the split within the American Labor party and the relationship of Mr. Hillman to it is incompletely and inaccurately told.

Considerable attention is rightly devoted to the efforts of the opposition to discredit the PAC by references to the foreign birthplace of its chairman, racism, and the attempt to label the whole movement as communistic and subversive. Mr. Gaer's defense of the organization against these charges is effective except that he glosses over too easily the fact that Communists were active in some of the Committee's work. The impression is also given that virtually all of organized labor approved the PAC, and William Green's injunction to labor to steer clear of it is completely ignored. To disarm the critics, the volume starts from the assumption that "labor has always been in politics" and concludes that PAC is but a present-day manifestation of this long-established practice. However, the reviewer believes that PAC's tremendous and magnificently executed program of registering voters, the adoption of a well-rounded program for national security and prosperity, the scope of its organization from precinct to national headquarters, and its propaganda techniques put labor in politics on a scale without precedent in the United States.

In spite of its weaknesses, the volume merits a place on the bookshelf of the teacher and student of political dynamics. Included in the body of the book are eleven of the pamphlets of the Committee complete with all of their remarkable graphics and photographs. Thus, the early educational tools of this movement are preserved and made readily available. Party workers will be repaid by reading these, particularly "A Woman's Guide to Political Action," "What Every Canvasser Should Know," "Speakers Manual," and "Radio Handbook." This reviewer has seen few statements of a simple democratic credo which are more inspiring than the pamphlet comprising the opening chapter and appropriately titled, "This is Your America." Though not properly footnoted, the inclusion of verbatim statements of Mr. Murray and Mr. Hillman before CIO conventions and congressional committees enhances the value of the work.

HUGH A. BONE.

Queens College.

Report of the Urban Planning Conferences at Evergreen House. (Baltimore: The Johns Hopkins Press. 1944. Pp. xix, 245. $2.75.)

Some sixty persons—architects, housers, planners, geographers, aviation specialists, economists, and political scientists—participated in the Evergreen House Urban Planning Conferences; and although the date of

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the meetings is not given in the report, it is assumed that they took place during 1943.

Lectures were given in four broad categories: "Basic Directives in Urban Planning"; "Transportation"; "Housing, Health, Recreation, and Welfare"; and "The Governmental Framework and Other Processes of Urban Planning." This seems a sensible organization, because physical planning must obviously be based upon the social needs of the people and their economic potentialities. The content within the four broad categories is, however, not always evenly treated. The single physical aspect of planning entitled "Air Transportation" is discussed in forty-eight pages, while only thirty-two are devoted to the three topics, "Geographic, Population, and Economic Directives," under the broad subject of "Basic Directives in Urban Planning."

Probably because of the mixed nature of the participants in the Conferences, the discussion was to a considerable extent on an elementary basis. Beyond that, some of it already seems dated. There is little in the volume which will be new to the well-read progressive planner of today, although he will find the discussion on "Air Transportation" and some of the others of interest.

The speaker at the opening lecture expressed the hope that "tentative conclusions and perhaps even programs may result from these discussions . . . " In this reviewer's opinion, that hope was not realized. While conferences of this nature are undoubtedly worth while in that they provide for an exchange of opinion among the participants, they often give the reader only a meager idea of what went on because the discussion must necessarily be briefed for publication. If the meetings are fortunate enough to result in conclusions and programs, such conclusions and programs certainly merit printing. It is questionable, however, whether the proceedings of the conclave at Evergreen House are a considerable addition to the literature of the professional planner or even the person with only a mild interest in the subject of urban planning.

In discussing "Ecological and Population Factors in Urban Planning," Philip M. Hauser listed three factors which had not been specifically dealt with, but which he considered important. The first, termed the "ecology of the city," involved a discussion of the city's "natural" structure and processes of growth, and he described the theory of city development in five zones of concentric circles. The second factor was the process of decentralization and recentralization. The third was the declining rate of national population growth. It was Mr. Hauser's contention that these important factors are often overlooked by city planners.

This reviewer was ready to disagree until he turned to the discussion which opened with the following statement: "The conferees listened to Mr. Hauser's presentation with a solemn conviction of the paramount

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importance of the facts presented. This was further brought into evidence by the chorus of requests for information as to publication of population studies by the U. S. Bureau of the Census and active copying of titles listed by Mr. Hauser . . . ." It is difficult to believe that a group of sixty persons attending a series of urban planning conferences could have been unfamiliar with the publications of the Bureau of the Census. If the editor reported the occasion correctly, perhaps Mr. Hauser was right.

WALTER H. BLUCHER.

American Society of Planning Officials.

Methodology of the Social Sciences. By FELIX KAUFMANN. (New York: Oxford University Press. 1944. Pp. x, 272. $3.50.)

The primary purpose of this volume is clearly indicated in the opening sentence of the preface: "Some of the most persistent controversies over methods in the social sciences are deeply rooted in general problems of the theory of knowledge, and the solution of these problems is not beyond our reach." As the author points out, "the issues of general methodology are usually interpreted in terms of opposed philosophical doctrines" such as rationalism-empiricism, realism-idealism, subjectivism-objectivism, monism-dualism, or determinism-indeterminism. He does "not assume that these doctrines 'behind' the methodological controversies lead to the core of these issues." He holds, "rather, that these doctrines themselves have to be properly interpreted and freed from ambiguities in the light of the results attained by an analysis of the fundamental rules of empirical procedure." His argument is dominated by insistence that logical analysis of scientific procedure rather than deductive logic is applicable. The logical tool he most frequently employs is that of completing elliptical formulations criticized. And the substance of his analysis remains in the very general field of inductive logic, with slight regard for the particular problems of methodology arising out of substantive meanings or of workways used in particular social sciences or even in social science generally.

The author outlines the fundamentals of his analysis in Part I, proceeding under such chapter headings as "Knowledge and Reality," "Language and Meaning," "Pre-Scientific and Scientific Thinking," "The Basic Rules of Scientific Procedure," "Goals of Science and Preference Rules," "Physical Laws and Causality," "Truth and Probability," "Life and Mind," and "Value Judgments." In Part II, he applies this analysis to basic methodological problems in social science such as are indicated by the following headings: "Natural Sciences and Social Sciences," "Behaviorism and Introspection," "Social Facts and Their Interpretation," "Physical Laws and Social Laws," "The Objectivity of Social Science," "Value Problems in the Social Sciences," and "The Principles of Economic Theory."

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It would seem to the reviewer that the great merit and the shortcoming of the volume stem from the fact that the analysis is founded in greater reliance upon the work of logicians and philosophers than upon that of actual workmen in the social sciences. Thus, as negative critique, the analysis could be read with profit by all varieties of researchers in the several social sciences. But as constructive critique, the author's guidance leaves something to be desired. For example, an unnecessary tincture of deductive logic would seem to have remained in the distinction between "empirical law" and "theoretical law." And surely the logician, or the social scientist as logician, needs to say much more about the "rules of scientific procedure." Statements rounded out by mere reference to "rules of scientific procedure" would seem to remain somewhat elliptical.

HERMAN C. BEYLE.

Syracuse University.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

With over-capitalization said to be threatening the national economy, Robert H. Skilton's *Government and the Mortgage Debtor, 1929 to 1939* (Univ. of Pa. Press, 1944, pp. iii, 232) is a timely and valuable contribution in the field of mortgage law and related legislation. In the introductory chapters, the author traces the history of mortgage law, the growth of the mortgage as a financial device, moratoria, and the obligation of contracts. From colonial times to the third decade of the twentieth century, no satisfactory legal solution was found to adjust the conflict of interests between mortgagor and mortgagee. In every period of depression, legislative assemblies tried to ameliorate the plight of the mortage debtor. During the great depression of the 1930's, legislatures attempted to tide over the economic collapse by passing mortage moratoria and other legislation. Mr. Skilton's chapters on these subjects show careful research and an excellent discrimination in the synthesis of material. The mass of statutes and court decisions investigated has been summarized, interpreted, and evaluated so that this part of the book will be a useful reference work should similar legal palliatives be tried again. When the assets of financial institutions and of individuals were swept away in the greatest depression the United States had experienced, the expedients employed by the various states to prevent complete economic chaos were futile. At the time this impasse was reached, the federal government stepped in with measures for the relief of the farmer and the urban home-owner. The latter half of the study is devoted to the subject of federal relief for the debtor and the development of the several federal agencies, integrated toward the common objective of preserving and expanding home ownership. The federal

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government viewed the mortgage, not as a mere financial transaction, but as a problem of far-reaching social significance. The author makes it clear that the legal relationship of debtor and creditor is still far from ideal. Nevertheless a start has been made by means, for example, of the long-term amortized loan, lower interest rates, and improved techniques in the appraisal of property values. In his conclusion, the author suggests that, if farm and home ownership is to be expanded and protected, the government might undertake the following seven-point program: equity of the purchaser to be guaranteed by the federal government, transfer of equity in case of removal to another locality, adjustable amortization schedule, down payment in work instead of cash, direct government loans on homes similar to the loans on farms, reduction in settlement costs, reduced interest rates, and cheap housing facilities for purchase. Mr. Skilton's conviction is that a program for the future should rest on the premise that "government must protect both mortgagee and mortgagor alike from the full consequences of destroyed values." The book is a mine of information for anyone interested in the subject.—JOHN P. SENNING.

There has been need for a survey for the average reader such as James P. Warburg's *Foreign Policy Begins at Home* (Harcourt, Brace and Co., pp. xii, 308, $2.50) provides. Mr. Warburg was active in the support of many of the policies he describes in his book, and as deputy director of propaganda policy in the Office of War Information was able to see at first hand many of the events he chronicles. The book is a panoramic treatment of American foreign policy and of leading events to the fall of 1944. No effort is made to probe intensively into any specific policy or facet of our relationships with European and Asiatic countries in the period covered. Nevertheless, the book is valuable for general lay reading. It is important that our citizens at this crucial stage get a clear perspective of the events which have laid the foundations on which democratic decisions have yet to be made. Mr. Warburg's relating of domestic policy to foreign policy is essentially sound, although his analysis of domestic problems covered in Chapters I to VII would bear more thorough development. The remainder of the book is almost a calendar of American foreign policy and the world turmoil since 1932. The fundamental errors of appeasement and the inability of some political leaders to grasp the trend of events, the stultifying effect of our isolationist background, and the pacifist aura which suffused the whole are well covered in Chapters XIII and XIV. Although for the professional the book is not much more than a refresher of events, for the layman it has value. Those who have been working in the field of community education in foreign policy have long felt a need for concise, easily readable, lucid material that is fairly objective and realistic. Mr. Warburg's book fills this need, and its value is enhanced by

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his relating domestic conditions and attitudes to foreign policies.—SHEPHERD L. WITMAN.

The sub-title describes the contents of Jennings Perry's *Democracy Begins at Home: The Tennessee Fight on the Poll Tax* (J. B. Lippincott Co., 1944, pp. 280, $3.00). The author edits the Nashville *Tennesseean*, which began its crusade against the state's poll tax requirement for voting with the legislative session of 1939. That legislature smothered the repealer bill in committee. In the 1941 session, the repeal bill reached the floor of the senate, where it was defeated. Finally, in 1943, after another two years of agitation, the legislature repealed the poll tax. But victory at the polls and in the legislature was to be canceled by a 3–2 decision of the Tennessee supreme court. The Tennessee constitution of 1870 provided that a poll tax might be required as a voting prerequisite, but not until 1890 did the legislature pass a statute actually levying such a tax. For twenty years, Tennesseeans had a free vote. In 1943, advocates of repeal assumed that the legislature could repeal any tax it had levied and that a person could not be disfranchised for failure to pay a non-existent tax. A lower court ruled the removal of the tax beyond legislative competence. When the case was appealed to the state supreme court, the majority opinion conceded the general rule that a succeeding legislature could "abrogate or destroy" the act of a former one. "But here we deal with an exception . . . . We look through form to substance." The poll-tax levy was somehow part of the constitution. Since the Tennessee constitution is one of the half-dozen most difficult to amend, the *Tennesseean* now pins its hope to changed court personnel or congressional action. The book is journalism intended for the general reader, who should find the volume instructive and interesting. Although nearly all that it says about the poll tax in general is already familiar to the political scientist, it offers a useful explanation of the distinctive legal provisions and political effects of the poll tax in Tennessee. The effect of the tax varies with the different political conditions of each state. Also, the book describes the politics of the one-party South, a subject not adequately covered in textbooks on American politics.—DONALD S. STRONG.

County Government in Georgia (University of Georgia Press, 1944, pp. 197), by Melvin Clyde Hughes, was prepared in an earlier form as a doctoral dissertation at the University of North Carolina. The book treats, in an interesting manner, of county history in Georgia, the nature and powers of present-day county offices, state-county relations, the administration of selected county services, and county consolidation. After analyzing the weaknesses of present-day county government, which appear to differ little from those in other states, the author makes several suggestions for improvement. He concludes, for one thing, that detailed control

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over county government through local laws, which is still widely prevalent in Georgia, should be supplanted, in so far as the retention of direct legislative control seems desirable, by general laws with optional provisions. State administrative supervision should be expanded, particularly in the fields of finance and law enforcement. Other suggestions include the short ballot, integration of functions, and centralization of administrative responsibility in a county manager. Inasmuch as these suggestions are better adapted to the more populous counties, their adoption should be accompanied by a program of county consolidation. Indeed, the most fundamental of all obstacles to efficient county government in Georgia is believed to be the existence of an unusually large number of small, poor counties. A plan of consolidation is suggested which would reduce the number of counties from the present 159 to 32 or, as an alternative, to 40. Inaccuracies in footnote citations, and misspellings of names in both footnotes and bibliography, are sufficiently numerous to suggest that, at least in these respects, the study might well have been edited more carefully. This criticism apart, the book deserves to be ranked among the better of the briefer studies of county government in individual states.—CLYDE F. SNIDER.

Miss Hallie Farmer's *The Legislative Process in Alabama; Local and Private Legislation* (Bureau of Public Administration, University of Alabama, 1944, pp. iv, 52, free upon request) is the second in a series of excellent studies by the author on the legislative process in Alabama. The present study reviews the more or less unsuccessful efforts of the state to rid itself of the evils of local and private legislation from as early as 1861 to the present by means of constitutional prohibition upon the power of the legislature in these fields. To this end, thirty-one specific cases and four general sections of the constitution prohibit the enactment of local laws. Notwithstanding these prohibitions, court decisions have recognized the right of the legislature to enact local laws in such cases as creation and abolition of local governmental agencies, levying special taxes, altering boundaries of cities, and fixing salaries. Moreover, the state has been addicted to legislation for local purposes by the method of constitutional amendment. The author makes a comparative study of general, private, and local legislation in the legislature from 1901 to 1943, for which certain data are presented in adequate tables. Recognizing that the problem is not "one of eliminating all local and private legislation, but of reducing it to the smallest amount consistent with equitable application of the laws," the author suggests what the more desirable solutions are for this more or less universal problem. An appendix contains the sections of the constitution of Alabama which pertain to local legislation.—WILLIAM H. COMBS.

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The Constitutionality of Peacetime Conscription (Pacifist Research Bureau, 1944, pp. 42, $0.25), by Harrop A. Freeman, is a brief for the negative of the proposition, more thought-provoking than convincing. It is a well-documented short study of the genesis of the military clauses of the Constitution in the Philadelphia convention and of the court cases on compulsory military service. The author believes that the conscientious objector's exemption from bearing arms is properly a matter of right based on the First Amendment rather than of grace conferred by statute; but he has considerable difficulty in fitting the decided cases into that conclusion. The legal problem, he points out, is that of striking the proper balance between the military power of the government on one side and the religious freedom of the individual on the other; and he is hopeful that the courts will work out a rule of law to safeguard each interest. The Jehovah's Witnesses cases which are cited, however, do not lend much encouragement to that view. The matter would seem to be more one of social ethics than of law. In view of the proposed peacetime conscription law, the conscientious objector doubtless will need to place his first reliance on an enlightened public opinion as reflected in the legislatures rather than on constitutional guarantees. And to such a public opinion this pamphlet is a valuable contribution.—Earl L. Shoup.

Industry-Government Coöperation (Public Affairs Press, 1944, pp. 78, $1.00), by Carl Henry Monsees, is presented by the author as a contribution "to a better understanding of the advisory committee technique." The first two chapters discuss "Background and Development" and "Administrative Significance." Succeeding chapters describe the policies and procedures used in advisory committee work in the War Production Board, Office of Price Administration, War Manpower Commission, War Food Administration, Petroleum Administration for War, Office of Defense Transportation, War Department, Bureau of the Budget, Board of War Communications, Solid Fuels Administration for War, and Foreign Economic Administration. The work is essentially a factual document. It is in such abbreviated form that one learns very little from it about the actual functioning, the real significance, and the value or limitations of industry advisory committees. There is a foreword by John C. Whiteridge, Jr., director of the W.P.B. Office of Industry Advisory Committee. —Martin L. Faust.

FOREIGN GOVERNMENT AND POLITICS

India Speaking (Annals of the American Academy of Political and Social Science, Vol. 233, 1944, pp. vii, 267, $2.00) is what the title implies, and readers will have to keep a couple of points in mind if they are not to be led astray. It is a study of conditions written from the Indian point of

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view. Most of the authors are anti-British, and their strong bias sometimes affects their impartial presentment of the facts. It is also regrettable that almost all are Hindus, so that the point of view of the Moslems, for example, is not given. The majority of the articles describe economic conditions, while a minority deal with politics, education, and culture. They are of unequal value, but those in the sections headed economic conditions and finance are very good. The first consists of three articles on the national income and the problems of the peasant farmer. The position of agriculture is of preëminent importance in India, since between eighty and ninety per cent of the population obtain their living from the land. The section entitled "Finance" has a good article by Mr. V. R. Pantulu on the methods that have been adopted to weaken the stranglehold of the Indian village money-lender on the farmer. Professor Chandrasekhar has an excellent article on India's human resources. Seeking to explain the annual population increase of 5,000,000 a year, he gives a good deal of the credit to the effects of British rule—the long period of freedom from wars, the improvement in health conditions, and the vast government irrigation projects Other causes are the prevalence of early marriage: over forty per cent of the girls marry before they are fifteen, and many have children before they are physiologically ready to bear them. There is one piece of unintentional humor. Mr. G. D. Birla, a prominent business man, surveys industrial development and demands a bold and vigorous government policy to promote large-scale manufacturing. He urges this to raise the standard of living. This article is followed by one by Mr. B. S. Rao on India labor, in which he presents a very unpleasant picture of the exploitation of factory workers by their Indian employers.—LENNOX A. MILLS.

The Institute of Pacific Relations has translated an invaluable work written by Professor Charles Robequain in 1939. *The Economic Development of French Indo-China* (Oxford University Press, pp. ix, 400, $4.00) gives a fairly detailed account of every phase of the dependency's economic life. The earlier period is summarized, the emphasis being placed upon the inter-war years, and a useful supplementary chapter by J. R. Andrus and K. R. C. Greene gives whatever information is available about developments from 1939 to 1943. Professor Robequain does not confine himself to French enterprises, but also describes at length the economic activities of the native peoples and of the Chinese. There are valuable accounts of government finance, and of the administration's efforts to promote development by irrigation works, roads, and railways. One could wish that greater space had been allotted to these topics. The economy of Indo-China is basically similar to that of the other countries of South Eastern Asia. All are exporters of foodstuffs and raw materials, and they have been developed to a great extent by foreign investment, owing to

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the lack of native capital. Manufacturing is very limited, and the fundamental problem is to improve the position of the small farmer, who is exploited by the Chinese middleman and money-lender. The French have had as limited success in solving the problem of rural debt as have the other colonial powers. Native hostility towards the Chinese, however, is much less marked than elsewhere, owing to the close cultural relations which exist between China and the Annamites, who are the most numerous and energetic of the peoples of Indo-China. By means of tariff policies and the reservation of special rights for French investments, France gained a predominant share in the capital development and foreign trade of the colony. The latter was a triumph of control over geographical propinquity.—LENNOX A. MILLS.

To his impressive list of excellent books on Russia, William Henry Chamberlin now adds *The Ukraine: A Submerged Nation* (Macmillan Co., 1944, pp. 91, $1.75). After a short chapter chock full of descriptive facts—past and present—about the Ukraine, he launches into an account of the heroic age of Ukrainian history, the sixteenth and seventeenth centuries. The dream of a united Ukrainian state was shattered by the rivalry of Cossack chieftains and by the partition of the country between Russia and Poland. When the Russian government in 1875 forbade the printing of all pamphlets and books in Ukrainian, the center of culture and of the nationalistic movement shifted to Eastern Galicia, which in the partitions of Poland had come under Austrian rule. The Austrians, on the whole, permitted the Ukrainians more liberty than did Tsarist or Communist Russia, or postwar Poland and Romania. Under Soviet rule, cultural autonomy developed, but political and economic freedom was non-existent. The facts about the liquidation of political and kulak opposition and about the great famine of 1932–33 bear retelling at this particular time. After the present war, the Ukrainians will no doubt remain the most numerous people in Europe without a sovereign state. Their future freedom, it is suggested, is linked to the triumph of democracy and individual liberty in a loosely federated Soviet Union. Unfortunately, Mr. Chamberlin tends to write in paragraphs without knitting the paragraphs together. The result is that the narrative account is jumpy and at times repetitious. Yet the book as a whole is a useful and objective study.—E. C. HELMREICH.

The trouble with *This Man Ribbentrop* (Julian Messner, Inc., 1944, pp. xiv, 303, $3.00), by Dr. Paul Schwarz, is that Joachim von Ribbentrop may be a very shrewd plotter in business and politics, but beyond that he is a rather uninteresting fellow. Not even among the villains around Hitler does he cut an outstanding figure. His biographer was for many years

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a German diplomat in Berlin and abroad. He has watched Ribbentrop very closely from his beginning as discharged officer and traveling wine salesman up to the time when he wormed himself into high society and from there into the Foreign Service. It is certainly a fantastic career in fantastic times and proves that Ribbentrop can ride in many saddles. Many swindlers in many fields have had the same capacity. In spite of his intimate knowledge and witty art in relating numerous stories, Dr. Schwarz does not succeed in making it quite clear why Hitler not only selected the man but sticks to him even now when he no longer can be useful. There can be no doubt in anybody's mind inside Germany that Ribbentrop's "supermethods" of diplomacy have brought only disaster to Germany, and certainly will not bring about miracles in the future. Dr. Schwarz is right in stating that Ribbentrop could not have real and lasting diplomatic success, because the substance of his work was foul. However, perhaps only a man as malevolent in character as he is could play the rôle as long as he has done. The value of Dr. Schwarz' book lies not so much in his amusing anecdotes as in the insight he gives into the working of Germany's foreign policy machine. It is true that Ribbentrop, as Hitler's instrument, has made a madhouse of the foreign administration in the Wilhelmstrasse. It is also a fact—and Mr. Schwarz gives ample proof—that European diplomacy, especially the British, for six years gave a group of wild adventurers in Berlin every chance to experiment with the globe, until it was ablaze.—W. F. SOLLMANN.

In the spate of volumes—popular, semi-popular, and frankly learned—having to do with the Far East, and more especially with China, "old" and "new," not the least interesting (especially to the "old China hand") is Carl Crow's *China Takes Her Place* (Harper, pp. xxi, 282, $2.75). It is a lightly and pleasantly written account which might well have been entitled *China To Me* had not another sprightly writer beaten him to it. As many people more or less connected with "Republican" China know, Mr. Crow is a sometime newspaper correspondent, journalist, business manager of a newspaper, and head of an advertising and merchandising agency the headquarters of which were long in Shanghai. In consequence, the outstanding value of this essay is its approach, namely, that of a Shanghai journalist and business man who has not the faintest hesitation in calling attention to the very considerable number of times in which he sized up erroneously what was going on. It is refreshingly unusual to find one who tells exactly what he thought (or thinks he thought) ten, twenty, or thirty years ago—and then points out how far astray he was. Much of the most interesting material is to be found in the footnotes—which are not composed of citations! The student or general reader who wishes precision of statement and dating of events had best avoid this work, but those who

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enjoy running and racy accounts of the rise and fall and, perhaps, rise again of nations and political parties and individuals will derive a good deal of satisfaction from Mr. Crow's latest literary exercise.—HARLEY FARNSWORTH MACNAIR.

The third edition of the official Brazilian government directory (*Indicador da organização administrativa do executivo federal e sualegislação*), published by the Departamento Administrativo do Serviço Público as of December 31, 1943, includes for the first time a folded general chart of the government and similar charts for each of the ministries. As the title indicates, the book of about 400 pages deals only with the executive branch, including the so-called "autarquias," business enterprises, social security funds, etc. This third edition has an index only to the agencies, and not to the individuals; but, taken as a whole, it is a most useful reference volume for one interested in Brazilian government and governmental affairs, and may point the way to similar guides for each of the other Latin American countries as well as for a comprehensive and much less detailed government directory for all the Latin American area.—J. B. CHILDS.

INTERNATIONAL LAW AND RELATIONS

Despite its title, no suggestions as to what the peace settlement should be are presented in *An Intelligent American's Guide to the Peace*, edited by Sumner Welles (The Dryden Press, pp. vi, 370, $3.75). Instead, there is given a brief history since 1914 of some 80 different countries. An account of their national characteristics and economic problems is also included. Mr. Welles feels that the peace of the world can be maintained best if unfounded prejudice and suspicion are removed. The more we know about the problems confronting other people, the difficulties facing them in their struggle for a livelihood, the more likely we shall be able to understand their political actions. Because the success of any international organization to preserve peace will depend upon the ability of the United States to coöperate with the other peoples of the world, he feels that it is essential that Americans understand the psychology and aspirations of foreign countries. In an encyclopedic work of this nature, it is inevitable that some minor errors of fact should escape notice. Italy invaded Albania on Good Friday, not Easter Sunday, in 1939 (p. 11). Mussolini fell from power on July 25, 1943, not on the previous day (p. 12). Baron von Neurath was not the German envoy to Prague in 1938 (p. 30). Britain and France were not officially at war with Germany on September 2, 1939. They declared war the next day.—ROBERT S. MCCORDOCK.

George Creel assembles the record of German (and Japanese) inhumanity and savagery in his *War Criminals and Punishment* (Robert M.

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McBride Co., 1944, pp. 303, $3.00) before he turns to prescribing remedies and retribution for the deeds. The sketches and much of the review of the Reich's violations of human decency were first published in *Collier's*. Mr. Creel puts the American on notice against German self-pity and outlines the treatment be believes appropriate for the culprits of Germany and its allies. He firmly opposes civil trials for war criminals and advocates the rendition of individuals to the countries they victimized. He calls for complete defeat of the enemy, effective military occupation, and disarmament as mere preliminaries to getting hold of Nazis and other violators of the moral law. An international court is, in his view, only useful for jurisdictional decisions. The countries that have suffered should be allowed "to deal with their ravagers and ravishers as they see fit." He has no patience with any plans for trial that will give play to "technicalities and legal stratagems" which might favor or absolve the defendants. He is fervid in his hope that the victors will be able to redress the moral balance. —DENYS P. MYERS.

A somewhat middle-of-the-road discussion of problems of international organization appears in *The Common Interest in International Economic Organization* (International Labor Office, Montreal, 1944, pp. 135), by J. B. Condliffe and A. Stevenson. After a brief review of the Atlantic Charter and the "Four Freedoms," the authors state the objectives of post-war planning to be: higher standards of living, full employment, social security, economic development, and international economic collaboration. Each one of these objectives is examined briefly to see the relation between its pre-war and probable post-war acceptability. The authors then review the probable status of certain economic and transition period factors such as monopolistic competition, economic instability—especially its international aspects—the relation of total war to the domestic economy, the case for freer trade post-war, and, of course, the need for international coöperation. The last is discussed specifically in terms of food and raw materials, international monetary arrangements, commercial policy, and international investment. The authors seek to show the necessity for and the feasibility of expansion of international trade in the development and stabilization of domestic economies. They are convinced that the "publics" of the warring nations will not only support but demand more productive international collaboration. They feel that essential as international technical organizations operating in particular commodity or economic fields are, they are not enough. Some organizational instrumentalities must be found for the development and integration of a broad framework of international economic policies within which the more particular devices can thrive. The volume is a useful résumé of the problem for the layman.—HARVEY PINNEY.

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On the Pan-American Union, the International Conferences of American States, the meetings of Foreign Ministers of the American Republics, and their satellite organizations, is concentrated the attention of Miss M. Margaret Ball in *The Problem of Inter-American Organization* (Stanford University Press, pp. 117, $2.00). The volume is eminently successful in presenting the history and functions of the organizations named; a carefully prepared index, bibliography, and list of agencies add to the book's indispensability. However, there are many other inter-American organizations, taking a bilateral or unilateral form, according to the needs which they serve. Recent examples are the American-Mexican Commission for Economic Coöperation, and the Haitian, Bolivian, and Ecuadoran Development Corporations, on the directorates of which sit officials of the United States and the respective Latin-American governments. Entirely aside from these official structures, there are wider realms where cultural, commercial, and religious inter-American organizations flourish. Thus the title chosen by Dr. Ball would lead one to expect a more comprehensive treatment of the varied aspects of the subject than is actually presented. There is a noticeable but unavoidable gap and time lag in this and all books regarding hemispheric vis-à-vis the new world-wide organizations: the International Food and Agricultural Organization, UNRRA, and the creations of Bretton Woods, Dumbarton Oaks, and the San Francisco Conference. The gap is narrowed somewhat by the appearance, late in 1944, of *Pan-American Postwar Organization* (Pan-American Union, pp. 71, $0.25) and in 1945 of *Inter-American Conference on the Problems of War and Peace: Manual for the Use of the Delegates* (Pan-American Union, pp. 207, probable price $1.00, first printing exhausted). The first contains suggestions of the Union's Governing Board and a proposed "Agreement for the Maintenance of Peace" prepared by the Inter-American Juridical Committee. The second was compiled for the Mexico City Conference.—WILLARD F. BARBER.

The latest number in the African Handbook series was written by John A. Noon and bears the title *Labor Problems of Africa* (University of Pennsylvania Press, pp. 144, $1.50). Devoted mainly to the problem of manpower for labor purposes, it presents a series of regional and territorial surveys of employment in relation to economic enterprise and to total manpower. One section of the continent is excluded, i.e., North Africa. From these surveys, largely statistical in character, is drawn the not very startling conclusion that Africa has adequate manpower to meet prospective demands for labor. If labor shortages exist in some areas, the explanation may be found in the prevailing low wage level and unattractive working conditions. In two introductory chapters, the author touches on

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such germane matters as labor efficiency, wages, migrant laborers, unions, and colonial policies. He sketches also the general background of the African laborer. In the face of Western imperialism and racial discrimination, no considerable increase in the very low wage level can be anticipated in the near future. Whatever type of government is evolved, the author asserts the necessity of insuring that the future of Africa shall "be planned by Africans for Africans." This is a praiseworthy principle; but how reconcile it with imperialism?—G. LEIGHTON LAFUZE.

The condensation of an involved and disputed question into the space of some fifty pages is always a difficult process. This has been attempted by Carl J. Friedrich in his *American Policy Toward Palestine* (Public Affairs Press, 1944, pp. vi, 106, $1.00). The author's self-imposed limitations (p. 3) focus his attention primarily upon the Jewish National Home and American policy toward that phase of affairs in Palestine, thus minimizing the continuous recent existence of a very considerable Arab majority in the country. The central question in regard to the Jewish National Home provided for in the Balfour Declaration is whether it should mean a Jewish state of Palestine. Professor Friedrich cites a recommendation of the American delegation at the Peace Conference, dated January 21, 1919 (p. 8), a statement by President Wilson on March 3, 1919, taken from a biography of Brandeis published in 1929 (p. 7), and a statement of Emir Feisal at the Peace Conference (p. 11) as bases for concluding: "The evidence is overwhelming that both the British and American governments realized that the Zionist aspirations for which the Declaration expressed sympathy meant large-scale Jewish immigration and the establishment of a Jewish state. Subsequent published documents, which do not state this view, such as the White Paper of 1922 (published while Churchill was Colonial Secretary), the Congressional resolution of 1922, and the American-British convention of 1924 are merely considered retreating steps. There is one other issue that apparently is accepted too easily. That is the conclusion of Walter C. Lowdermilk that the establishment of a "Jordan Valley Authority" will make possible the absorption of at least four million Jewish refugees from Europe (p. 37). It seems to many that such absorptive capacity in a country the size of New Hampshire, with practically no rain, and with already three times the population of New Hampshire, without any visible means of support except oranges, the Dead Sea salts, and an oil pipe line, is almost too good to be true. In this volume we are thus asked to base an American policy upon support of one side of a disputed question, the economic soundness of which is not at all clear. The last half of the volume includes pertinent documents.—WILBUR W. WHITE.

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Since 1940, a vast number of journalists, travelers, and others claiming special knowledge or competence have written books of varying value on Japan and her policies. Not the least sensational is Violet Sweet Haven's *Gentlemen of Japan; A Study in Rapist Diplomacy* (Ziff-Davis Publishing Co., 1945, pp. 321, $3.00). Only slightly concerned with diplomacy, it is commended in James R. Young's foreword as "a Baedeker of Japan's vicious underground work in the islands, empires, and colonies of the Orient." The author, a young teacher and journalist who formerly lived in several Pacific countries, made a tour of regions from Hongkong to Java in 1940. Although informed readers may well be discouraged by the first chapter (typically termed "Serpent in Eden") on alleged Japanese activities in the Hawaiian Islands, the book has some features of passing interest. This reviewer doubts, however, whether it merits being called a Baedeker to Japanese espionage or to anything else of real importance.—G. LEIGHTON LAFUZE.

POLITICAL THEORY AND MISCELLANEOUS

The title of Carl Wittke's *Against the Current; The Life of Karl Heinzen, 1809–80* (University of Chicago Press, pp. 342, $3.75), is well chosen for the biography of a man who started out, though not by choice, as a Prussian official, fought in the German revolution of 1848, and ended as a radical journalist whom the *Transcript*, in announcing his death at Boston in 1880, hailed as "the foremost pioneer of free thought." Heinzen came to this country in 1850, a momentarily disillusioned "Forty-eighter," yet determined to carry on the fight against German anti-liberalism from the security of a free country and to win support for this fight among the Germans in America whom he hoped to reach through their organizations and especially their numerous newspapers. After several years marked by unsuccessful journalistic attempts—each new venture coming to an end as funds ran out—Heinzen finally succeeded, with some friends' support, in keeping one paper precariously alive, the *Pioneer*, which he edited for twenty-five years, until his health failed. In the pages of this Boston paper, as well as in numerous speeches and a few rather disappointing lecture tours, Heinzen advocated a wide range of liberal ideas. He limited himself by no means to the European scene, but ventured into political problems of his adopted country. Freedom of thought and freedom from want were as much among topics advocated by him as equal rights for women and for Negroes and numerous other social, economic, and political reforms of his day, and his anti-monarchist conviction expressed itself in a critical attitude toward the institution of the American presidency, culminating in his sponsorship of a No-President ticket in the elections of 1868 and 1872. While his editorials were responsible for a few hundred anti-presidency leaflets found in the ballot boxes here and there, his re-

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peated efforts to launch a liberal party based upon the German element never advanced beyond the committee stage. Heinzen's life is the story of a serious and high-minded reformer whose zealousness as a crusader made him intolerant and quarrelsome and kept him from joining hands with fellow-radicals. Wittke pictures both sides of Heinzen's character sympathetically and shows how his uncompromising fight for the rights of man and his insistence upon a high standard of journalism were capable of winning for him fairly wide support, while his unsparing and often petulant language cost him many followers, lost subscribers for his paper, and aggravated the feuds among the leading "Forty-eighters." The biography of this relentless enemy of church, monarchy, and communism suggests the interesting question of whether Heinzen's comparative ineffectiveness in this country was due more to the political indifference of the bulk of the German immigrants or to his way of approaching (and alienating) his readers.—GERHARD KREBS.

In her biography of *Frances Willard* (University of Chicago Press, 1944 pp. 418, $3.75), the author, Mary Earhart, strips the mantle of sanctity and mysticism from the shoulders of the great temperance leader and presents to the world the portrait of a human being. Here is no saint, but a woman of flesh and blood, who, by her own words, confessed that the most compelling force in her life was ambition to be well-known and well-loved. Her great aim in life was to labor for the emancipation of women. She did not create the W.C.T.U., and she had no deep sectarian loyalties in religion, although she used the Methodist Church for the furtherance of the temperance movement. She was more interested in the woman's movement than she was in temperance, but she saw that she could best advance the interests of women through the Temperance Union. Teaching was not her chosen field, but it was a means of getting out into the world at a time when society felt that woman's place was undeniably in the home. Her brief experience in the field of education taught her how to organize, and she also learned of her strange ability to attract women and to exact from them, individually and collectively, an amazing degree of devotion and an untiring constancy, of which she made ruthless use. It is particularly interesting to note that she had no solid convictions in her early years on abstinence, and that she developed the W.C.T.U. into an organization of nation-wide importance chiefly because it gave her the opportunity to fight for women's rights. She was an indefatigable worker and a born manipulator. Her organization was never boisterous; her conventions were sedate; she did not make the mistakes of the more militant suffrage leaders; her lecture-halls were always filled with admiring crowds because of her personal magnetism, her wit and charm, and because the temperance movement combined religious emotionalism with the con-

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crete evidence of the curse of inebriation: it was "so much easier to see a drunkard than it was to see a principle." Into the W.C.T.U. she crowded many causes that had nothing to do with prohibition, among them peace and international arbitration, woman suffrage, and social welfare. It is safe to say that her influence on the suffrage movement and on other reforms was as great as that on temperance. In this book one finds the dynamic picture of the woman's movement from the days of the Civil War to the close of the century. Here is a scholarly and interesting study of a great leader and of her times. The reader emerges with an appreciation of the personality of Frances Willard and of the early struggle for the emancipation of women. It is particularly fitting that one whose educational background stems from the same locale should have written this critical analysis of the character and achievement of one of the outstanding benefactresses of womankind.—ELIZABETH A. WEBER.

All wars give rise to a great deal of discussion and literature on the subject of non-resistance. The impact of the present war upon the position and teachings of the conscientious objector is fully examined in a substantial volume by Guy Franklin Hershberger entitled *War, Peace, and Non-Resistance* (Herald Press, 1944, pp. xv, 415, $2.50). The book deals particularly with the non-resistance philosophy of the Mennonite Church, one of the three "Historic Peace Churches," a philosophy which is uncompromisingly founded upon an intense religious fundamentalism. The exposition of the subject is very ample and well-written, and its value is considerably enhanced by the inclusion of an excellent bibliography at the end of each chapter listing general treatises on the subject, as well as the more specialized Mennonite literature. These should be of great value to specialists interested in further research in the ideas of non-resistance. The author makes it clear that the Mennonite point of view is thoroughly consistent in its renunciation of violence in any form. A good Mennonite cannot participate fully in the life of the modern state, for the state is "primarily an organization for the maintenance of law and order, by means of coercion, in a sinful society" (p. 188). It follows, therefore, that it is difficult "for a believer in New Testament non-resistance to hold, with any degree of consistency, any responsible executive, legislative, or judicial position in a modern state" (p. 193). But some state services are legitimate for a non-resistant Christian, he points out, such as public health service, soil conservation, scientific research, forestry, and the building of roads. The author sharply distinguishes the Mennonite point of view from that of other allegedly pacifistic groups. Thus he is sharply critical of the pacifism of modern religious liberalism, which has "rejected salvation by faith and substituted a shallow, optimistic social evolution" (p. 214).

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Furthermore, Gandhi's idea of non-violent resistance should not be confused with non-resistance, for non-violent resistance is "a new form of warfare," its primary objective being political revolution and the conquest of power. Mennonite philosophy also rules out current methods of industrial warfare, such as the labor union, the strike, picketing, and the boycott, for these are instruments of coercion, however non-violent, and their motive "is not love for the enemy" (p. 279). Whether the discipline of a parent over a child is permissible coercion, the author saith not. The book contains an exhaustive discussion of the conscientious objector in the present war, with special reference to the organizational and administrative aspects of the problem he presents. The author expresses the opinion that the law and administrative machinery used in this war are more satisfactory than they were in the first World War. However one may care to quarrel with the basic thesis of this book, the reader will be impressed with its sincerity and with the good-will which suffuses it.—DAVID FELLMAN.

The New Philosophy of Public Debt (Brookings Institution, pp. 93, $1.00), by Harold G. Moulton, is not a new philosophy expounded by him. Rather, it is an attack on the recently expounded debt philosophy which holds that the size of an internal debt is immaterial, and that constantly expanding public debt is indispensable to prosperity. This "new philosophy" arises from certain beliefs: (1) that we are suffering from a mature economy in which the driving force for private capital expansion no longer exists, (2) that we have a chronic excess of money savings, and (3) that business enterprises are no longer dependent to any great extent upon the investment markets for funds with which to expand productive capital. Moulton appraises each of these beliefs that support the continuous debt expansion argument. He finds the mature economy idea faulty, and concludes that the prospective industrial expansion opportunities are even greater now than at the end of World War I. Similarly, he finds the ideas of excess money saving and corporate independence of capital markets subject to serious qualification. Apart from the question of the necessity of a continuously rising public debt, Moulton finds untenable the complement of the new philosophy—that the size of the debt does not matter. He questions this view and the arguments offered in its support, and argues that a policy of constantly increasing debt will be disastrous to our free enterprise system. Moulton's attack on the new philosophy is by no means conclusive, although it is a desirable questioning of some extremist views. If the new philosophy of "deficit financing" is untenable, so is the traditional "balanced budget" view. What government debt policy is desirable still remains unsettled.—NATHAN L. SILVERSTEIN.

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In his *Capitalism and Slavery* (University of North Carolina Press, pp. 270, $3.00), Eric Williams presents the results of a profound study of the part played by slavery and the slave trade in British Empire economics. Extensive documentation evidences the care with which the work was done and provides an unusually complete set of leads for those who desire to pursue the matter further. The book ascribes a dominant place to slavery and the slave trade in the money-making which accumulated the capital financing the industrialization of England, the slave trade being the big business of the pre-American Revolution period. Not only was the taking and carrying of slaves a source of profit, but the three-cornered trade was basic in the prosperity of many lines of business in England. Then, having been instrumental in financing the building of industrialization in England, the slave trade and slavery were in turn killed by the capitalistic system. West Indian sugar production depended upon slave labor and a British protective tariff. But high food costs made for high costs of production for factory owners. Industrialization was incompatible with the sugar monopoly enjoyed by West Indian planters; industrialization called for free trade. So, "When British capitalists found the West Indian monopoly a nuisance, they destroyed West Indian slavery as the first step in the destruction of West Indian monopoly." The author shows how the various business groups in England worked gradually toward abolition and considers their efforts dominant, but he does not neglect the work of humanitarians and religionists, and he stresses the importance of the efforts and threats of the slaves themselves.—N. D. HOUGHTON.

While philosophers and political thinkers of the seventeenth and eighteenth centuries (like Montesquieu in his *Lettres Persanes*) chose some remote and scarcely known land as the seat of an ideal state governed according to their schemes, a smaller group of writers endeavored to demonstrate the natural and inherent superiority of Europe over the other continents, and expecially over the New World. Strange as it may seem, this theory, which can hardly find any rational justification, was accepted by naturalists like Buffon and philosophers like Hegel. Dr. Antonello Gerbi, in *Viejas Polemicas sobre el Nuevo Mundo* (Banco de Credito del Peru, Lima, 1944, p. 162), subjects the causes and development of this curious idea to an exhaustive and penetrating analysis. Its first supporters were chiefly naturalists, like Buffon, who reached the conclusion that America was an inherently inferior continent because of the weakness of its natives in comparison with the members of other human races and of the non-existence in the New World of certain botanical and animal species which could be found in the Old World. At the root of this theory was the belief that man and his civilization are largely the product of their environment, and that therefore Europe's superior civilization

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presupposed the natural superiority of that continent over America. At a later time, Europe's superiority was claimed on cultural and intellectual grounds. It was confidently asserted that America would never be able to develop its own form of civilization and would always have to depend on Europe's culture. Hegel declared that the New World was immature, impotent, and inherently inferior. The different aspects of the doctrine and the reactions to it, both in Europe and in the New World, are carefully examined in Dr. Gerbi's book, which constitutes an important contribution to the history of the ideas relating to America.—ANGELO PIERO SERENI.

In his book, *The Psychological Battlefront of Democracy* (Butler University Press, pp. 96, $1.00), Charles C. Josey recognizes what he calls the military, the social-economic-political, and the psychological battlefronts of democracy. He devotes his attention primarily to methods of attaining success on the psychological battlefront, but he readily concedes that failure on any one of these battlefronts would probably be fatal to the cause of democracy. The antithetical relationship of democracy and fascism, as well as the causes of the latter, are carefully analyzed. Democracy is seen as an outgrowth of the acceptance of justice and brotherhood as guides to action in all fields of human activity. Fascism, on the other hand, is considered to be a result of a desire for ease, comfort, power, and special privilege. Democracy would promote the welfare of all, while fascism seeks to stratify society and to give power and influence to those in the upper strata. The fascist refers to those who would uphold the ideals of democracy as wild-eyed idealists, radicals, and imcompetents. The author has made a valuable contribution to the literature dealing with the theory of fascism, particularly in that he has approached the subject primarily from the point of view of the mental attitude of the individual. He has ignored factors which some would consider important in dealing with this general problem, but this fact need not detract from the significance of his work.—DANIEL B. CARROLL.

For a long time, John Howard has been looked upon as the father of prison reform. But Thorsten Sellin, in his *Pioneering in Penology: The Amsterdam Houses of Correction in the Sixteenth and Seventeenth Centuries* (University of Pennsylvania Press, pp. xi, 125, $2.50), has put us all in his debt by showing that Amsterdam's city fathers antedated Howard by almost two centuries. They opened their first Rasphuis in 1596, and their Spinhuis for women in 1597. The former was established primarily to deal more effectively with male petty thieves and professional beggars, and the latter with prostitutes, drunken women, and incorrigible girls. In both, the primary object was correction by means of labor, religion, and educa-

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tion, the latter mostly of an informal character. Primarily, they were not conceived to be places of punishment. The latter purpose was carried out by the older methods of whipping, mutilation, fines, banishment, and execution. These institutions had imitators in most of the towns of the United Provinces, in some of those of the Spanish Low Countries, in those of Northern Germany, of Scandinavia, and possibly in Spain and Italy. It was from a study of them that Howard received his inspiration for the reformation of the jails of England. Until Howard's time, they had very little influence on England, and Sellin thinks that they had none on the development of prisons in the American colonies. Sellin has provided a very good bibliography of sources; and no one interested in the modern development of penology can ignore the book.—J. L. GILLIN.

In *Anglo-American Legal Bibliographies* (U. S. Government Printing Office, 1944, pp. xii, 166, $1.50), prepared by William L. Friend, a member of its Law Library staff, the Library of Congress has furnished members of the legal profession, as well as librarians, teachers, and scholars, with a valuable and comprehensive guide to bibliographic materials, pertaining to Anglo-American law. The book contains bibliographies dealing with all aspects of English and American law except works devoted to American statutory materials. The latter have been omitted because they were previously covered by the second volume in the Harvard series of legal bibliographies, by Lawrence Keitt, published in 1934. The present book is divided into two sections. The first gives a hitherto lacking historical account of Anglo-American legal bibliography; the second, the bibliography proper, includes 299 entries with a detailed bibliographical analysis for each entry and a useful reference to the Library of Congress card number for the item.—GEORGE MANNER.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

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University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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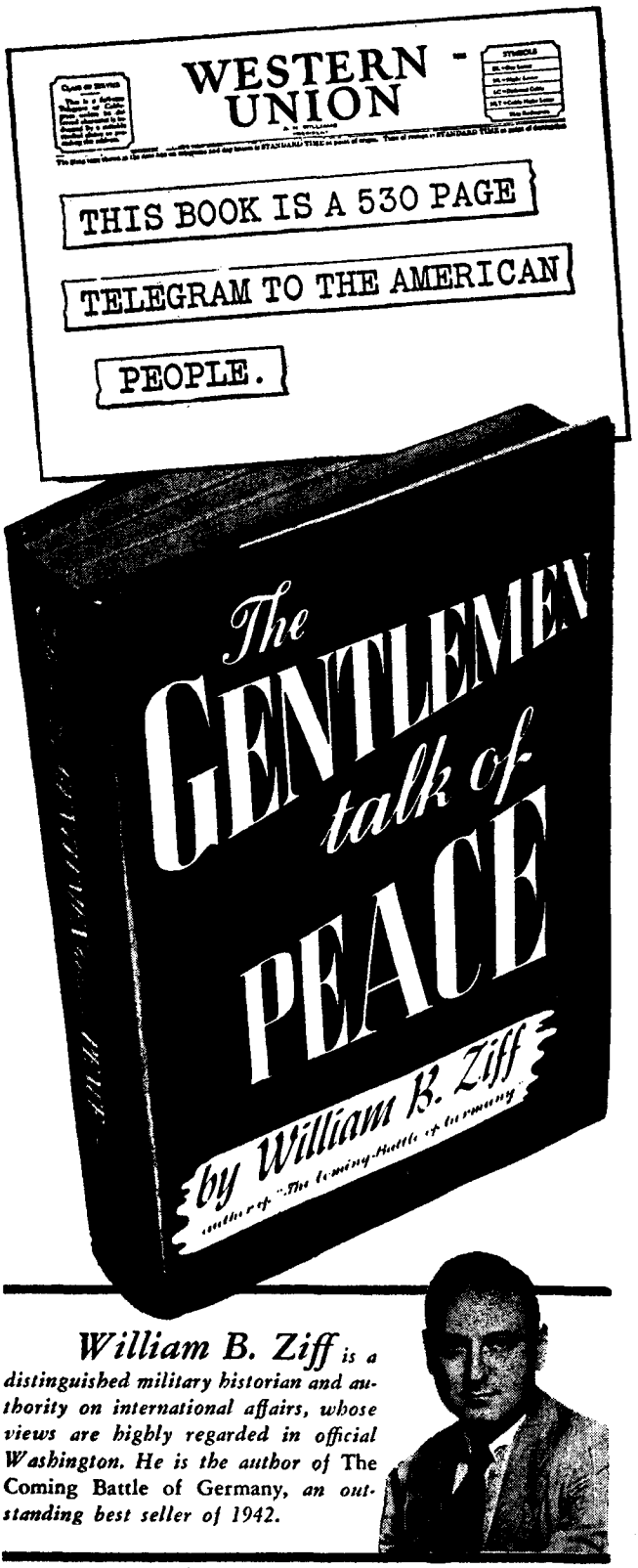

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